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**Elimination of racism, racial discrimination, xenophobia and related intolerance: comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action**

# Report of the Chair of the Working Group of Experts on People of African Descent

*Summary*

The present report is submitted in accordance with General Assembly resolution 68/151, section II, paragraph 9 in which the Assembly requested the Chair of the Working Group of Experts on People of African Descent to make a report on its work available to the Assembly. The report covers activities undertaken during the period from 1 July 2013 to 30 June 2014.

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# I. Introduction

1. The General Assembly, in section II, paragraph 9 of its resolution 68/151 on global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action, requested the Chair of the Working Group of Experts on People of African Descent to make a report on its work available to the Assembly, and in that regard invited the Chair of the Working Group to engage in an interactive dialogue with the Assembly under the agenda item "Elimination of racism, racial discrimination, xenophobia and related intolerance" at its sixty-ninth session.

2. The present report covers the time period from 1 July 2013 to 30 June 2014.

# II. Mandate

3. The Working Group of Experts on People of African Descent was established on 25 April 2002 by the former Commission on Human Rights, in accordance with the request contained in paragraph 7 of the Durban Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in 2001.

4. The mandate of the Working Group, as outlined in Commission on Human Rights resolution 2002/68, paragraph 8 and further expanded in Commission on Human Rights resolution 2003/30, paragraphs 24 and 25 is:

(a) To study the problems of racial discrimination faced by people of African descent living in the diaspora and to this end gather all relevant information from Governments, non-governmental organizations and other relevant sources, including through holding public meetings with them;

(b) To propose measures to ensure full and effective access to the justice system by people of African descent;

(c) To submit recommendations on the design, implementation and enforcement of effective measures to eliminate racial profiling of people of African descent;

(d) To elaborate short-, medium- and long-term proposals for the elimination of racial discrimination against people of African descent, bearing in mind the need for close collaboration with international and development institutions and the specialized agencies of the United Nations system to promote the human rights of people of African descent, inter alia through:

(i) Improving the human rights situation of people of African descent by devoting special attention to their needs, inter alia through the preparation of specific programmes of action;

(ii) Designing special projects, in collaboration with people of African descent, to support their initiatives at the community level and to facilitate the exchange of information and technical know-how between these populations and experts in these areas;

(iii) Developing programmes intended for people of African descent allocating additional investments to health systems, education, housing, electricity, drinking water and environmental control measures and promoting equal opportunities in employment, as well as other affirmative or positive action initiatives, within the human rights framework;

(e) To make proposals on the elimination of racial discrimination against Africans and people of African descent in all parts of the world;

(f) To address all the issues concerning the well-being of Africans and people of African descent contained in the Durban Declaration and Programme of Action.

5. In 2008, the Working Group's mandate was extended for a further three years by Human Rights Council resolution 9/14. In 2011, the Human Rights Council, in its resolution 18/28, extended the mandate of the Working Group for an additional period of three years in accordance with resolution 9/14.

6. In accordance with its methods of work adopted at its twelfth session, the Working Group:

(a) Meets for two sessions of five working days each, in closed and public meetings, every year. The public sessions are organized on a thematic basis and the closed sessions are dedicated to consultations and internal matters related to its mandate;

(b) Undertakes two country visits a year and reports to the Human Rights Council on its findings and recommendations;

(c) Submits an annual report to the Human Rights Council on all its activities;

(d) Processes allegations that fall within the scope of its mandate under the communication procedure.

7. The Working Group comprises five independent experts serving in their personal capacities. The five mandate-holders serving during the time period covered by the present report were: Chair-Rapporteur Ms. Mireille Fanon Mendes-France (France), Ms. Monorama Biswas (Bangladesh), Ms. Mirjana Najcevska (the former Yugoslav Republic of Macedonia), Ms. Maya Sahli (Algeria) and Ms. Verene Shepherd (Jamaica). In 2014, three members of the Working Group will retire and new mandate-holders will be appointed by the Human Rights Council from the Africa Group, Eastern European Group and Asia-Pacific Group.

# III. Activities of the Working Group of Experts on People of African Descent (July 2013 to June 2014)

## A. Annual meetings

### Thirteenth session (18 to 22 November 2013)

8. The thirteenth session was a closed meeting in which the Working Group considered such internal matters as future work, country visits and communications and held consultations with various stakeholders, including Governments, regional

groups and the Office of the United Nations High Commissioner for Human Rights (OHCHR).

**Fourteenth session (31 March to 4 April 2014)**

9. Discussions during the fourteenth session focused on the theme "People of African descent: access to justice". The Working Group emphasized the importance of access to justice and noted that despite guarantees in international and national law, the prevalence of racism, racial discrimination, xenophobia and related intolerance uniquely affected persons of African descent, to the point that many of them were still unable to obtain remedies for wrongful acts through their domestic institutions.

10. It was noted that structural discrimination occurred at all stages and levels of the administration of justice, including in legislation, law enforcement, courts and tribunals. One of the most important challenges that people of African descent faced was discriminatory treatment by the very institutions that were supposed to administer justice.

11. The Working Group underscored that both judicial and law enforcement bodies, which should be primary forces in opposing and preventing racism, failed to uphold justice and equality, and instead mirrored the prejudices of the society they served. In some cases, even if the law was not discriminatory, people of African descent were denied the right to a fair trial, which put them at an increased risk of harsh punishments, including, in some countries, the death penalty.

12. The Working Group expressed its concern about the prevalence of impunity and the lack of accountability in addressing discrimination against people of African descent in public and private spheres under the guise of freedom of expression. It recognized that the failure to provide appropriate education and training for young people of African descent often resulted in aimlessness and unemployment and left them vulnerable to social and police profiling, consequently resulting in their overrepresentation in the criminal justice system.

13. It urged States to adopt national action plans against racial discrimination, which should include special measures, based on disaggregated data, as appropriate, to address structural discrimination against people of African descent, taking into account general recommendation No. 32 (2009) of the Committee on the Elimination of Racial Discrimination. The Working Group also reiterated its recommendation that its draft programme of action be the basis for the practical activities to be developed at the national, regional and international levels during the International Decade for People of African Descent.

14. A full account of the session and the recommendations made by the Working Group on access to justice is contained in the annual report of the Working Group submitted to the Human Rights Council for its twenty-seventh session (A/HRC/27/68).

## B. Country visits

### Brazil (4 to 14 December 2013)

15. The Working Group undertook an official country visit to Brazil from 3 to 13 December 2013, during which it met with representatives of the Government at the federal, state and municipal levels and engaged with people of African descent from Brasilia, Pernambuco, Bahia, Recife, São Paulo and Rio de Janeiro.

16. The Working Group observed that over the past 10 years, Brazil had shown the political will to overcome racism and address issues of racial equality faced by Afro-Brazilians. It commended the initiatives taken to implement the rights enshrined in the Constitution relating to non-discrimination and equality for Afro-Brazilians, such as legislation, public policies for racial equality and, in particular, affirmative action. That included: (a) the Statute on Racial Equality, adopted in 2010; (b) Act 10,639/2003 on teaching African and Afro-Brazilian history and culture in educational institutions; (c) Decree 4,887/2003 and subsequent decrees recognizing and defining the process for land titles for *Quilombola* communities; (d) the 2012 Supreme Court ruling on the constitutionality of racial quotas for accessing higher education; and (e) the discussions in the National Congress on establishing quotas for public posts in order to redress historic inequalities based on the slave trade, enslavement and colonialism that had prevented Afro-Brazilians from accessing such spaces.

17. The Working Group found that despite Government commitment and initiatives in the area of law and policy, the dismantling of racial discrimination remained slow. Afro-Brazilians constituted more than half of the population, yet they were underrepresented and invisible in the major power structures, the media and the private sector. Institutional racism, discrimination and xenophobia continued to permeate the security and justice systems at all levels. That impeded equal access to justice for people of African descent when they were victims of violations. It manifested in racial profiling, disproportionate numbers of arrests and overrepresentation in the prison population. The Working Group expressed concern about alleged violations of human rights perpetuated by security forces, in particular the military and civil police, against young black people, often with impunity. Afro-Brazilians benefited proportionately less from educational and health-care facilities, the administration of justice, public and private investment, basic infrastructure and other services. The Working Group also expressed concern about the situation of homeless and landless people as well as insufficient housing policies and lack of housing, which negatively affected Afro-Brazilians, in particular in *favelas* and *quilombos*. The Working Group raised concerns about the multiple forms of discrimination that affected women and girls of African descent as well as lesbian, gay, bisexual and transgender individuals, which manifested in inequalities in access to employment in both the public and private sectors and in health conditions, including high rates of maternal mortality. It also voiced concern about the racism, persecution and violations of cultural rights and the right to religious freedom suffered by the religious communities of African origin, such as *Candomblé* and *Umbanda*.

18. The Working Group underlined that the effective implementation of laws and public policies protecting racial equality were essential to bring about real change and a positive impact for Afro-Brazilians. It emphasized that the fight against racism

should involve all of Brazilian society and that sensitization, intercultural dialogue and education were essential to deconstruct the ideology of racial hierarchies. The Working Group would submit a report containing its findings and recommendations to the twenty-seventh session of the Human Rights Council, to be held in September 2014 (to be issued as document A/HRC/68/27/Add.1).

**Netherlands (26 June to 4 July 2014)**

19. During its official country visit to the Netherlands from 26 June to 4 July, the Working Group visited Willemstad (Curacao), Amsterdam, The Hague, Rotterdam and Middleburg.

20. The Working Group will present a report containing its findings and recommendations to the Human Rights Council in September 2015. At the end of its mission to the Netherlands, on 4 July 2014, the Working Group delivered a statement to the press.[1]

**Sweden (upcoming visit)**

21. The Working Group has requested an invitation to visit Sweden in 2014. The Government has replied positively and dates are under discussion for an official country visit to Sweden in late 2014 or early 2015.

## C. Communications

22. During the reporting period, the Working Group sent allegation letters under its communication procedure to the Dominican Republic, the Netherlands and the United States of America regarding issues that fall under its mandate. Media statements were also released in that regard.

23. On 20 June 2014, a media statement was released following the adoption of Law 169-14 of 23 May establishing a special system for people born in the Dominican Republic and registered irregularly in the Dominican Civil Registry and on naturalization. In the statement, the Working Group called upon the Government of the Dominican Republic to adopt the necessary legal measures to restore Dominican citizenship for all those born in the country, but not registered at birth. The Working Group stressed that such a step would effectively reinforce the fight against discrimination and social exclusion faced mostly by the people of African descent in the country.

24. On 11 December 2013, an allegation letter was sent to the Dominican Republic regarding the possible withdrawal of citizenship of a large number of Dominicans of Haitian descent following the issuance of a Constitutional Court judgement in violation of the right to nationality. According to information received, judgement TC/0168/13 of the Constitutional Court of the Dominican Republic, of 23 September 2013, could have a retroactive effect on the citizenship of a large number of Dominicans of Haitian descent. A related communication had previously been sent on 11 November 2013 (see A/HRC/25/74, case No. DOM 3/2013).

[1] Available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14840&LangID=E.

25. On 21 November 2013, the Working Group and the Special Rapporteur in the field of cultural rights, the Independent Expert on minority issues and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance released a joint media statement regarding allegations that the portrayal of the servant of Saint Nicholas, *Zwarte Piet* (Black Pete), in the Saint Nicholas festival celebrated each year in the Netherlands on 5 December perpetuated a negative stereotype of Africans and people of African descent. They called upon the Government of the Netherlands to take the lead in facilitating the growing national debate, in order to promote understanding, mutual respect and intercultural dialogue.

26. In its reply, the Government acknowledged that some Dutch people found the tradition offensive and that complaints relating to *Zwarte Piet* had sharply increased. It noted that national mechanisms allowed individuals to complain about cases of discrimination.

27. The joint media statement followed the joint communication sent in January 2013 by the Working Group, the Special Rapporteur in the field of cultural rights, the Independent Expert on minority issues and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to the Government of the Netherlands regarding the Dutch celebration of Black Pete. On 29 August 2013, the Working Group sent a joint allegation letter with the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to the United States regarding allegations related to undue delays in the case concerning the death of Trayvon Martin and the alleged discriminatory impact of laws on African Americans. According to the information received, the Criminal Section of the Civil Rights Division of the United States Department of Justice, the United States Attorney's Office for the Middle District of Florida and the Federal Bureau of Investigation continue to evaluate the evidence generated during the federal investigation, as well as the evidence and testimony from the state trial concerning the death of Trayvon Martin in February 2012. The Working Group and the Special Rapporteur appealed to the Government to finalize without undue delay the ongoing review, along with the delivery of justice and appropriate reparations. They appealed to the Government to examine the laws that could have a discriminatory impact on African Americans and to ensure that such laws were brought into full compliance with the country's international legal obligations and relevant international standards.

28. Communications sent by the Working Group and replies received are included in the joint report by special procedures mandate-holders on their communications, submitted to each regular session of the Human Rights Council (see A/HRC/26/21).

## D. International Decade for People of African Descent

29. On 23 December 2013, the General Assembly, by its resolution 68/237, proclaimed the International Decade for People of African Descent starting on 1 January 2015 and ending on 31 December 2024, with the theme "People of African descent: recognition, justice and development".

30. The Working Group welcomes the proclamation of the International Decade for People of African Descent as an extremely important opportunity for focused attention on the promotion and protection of the rights of people of African descent.

31. Despite the diversity of situations and experiences of people of African descent,[2] there are several common human rights concerns that need to be addressed. These include racism and structural and institutional discrimination, which are evident in the marginalization and inequality faced by people of African descent. This is confirmed in indicators of poverty, poor living conditions, low levels of political participation, barriers in access to quality education and labour markets, overrepresentation in prison populations, high rates of imprisonment, discrimination in access to justice and limited social recognition of the ethnic and cultural diversity of people of African descent. The effects of multiple forms of discrimination on women, children, young people, migrants and refugees of African descent as well as other particularly vulnerable groups is also noted. Furthermore, the invisibility of people of African descent through lack of statistical data and limited recognition of histories, heritage and contribution to development is a concern.

32. The Working Group believes that the Decade for People of African Descent will contribute to achieving equality and non-discrimination and strengthening the rule of law and democracy. Further efforts are needed by States to protect people of African descent from racial discrimination and to ensure their equal enjoyment of all human rights. As such, the Working Group calls upon all relevant actors to work together at the national, regional and international levels to make the Decade effective.

**Draft programme of action for the Decade**

33. In accordance with General Assembly resolution 66/144, the Working Group elaborated a draft programme of action for the Decade for People of African Descent and proposed a theme for the Decade (see A/HRC/21/60/Add.2). The report on its eleventh session (A/HRC/21/60), the main focus of which was the draft programme of action, was adopted by the Human Rights Council (see resolution 21/33 of 28 September 2012) and transmitted to the General Assembly.

34. The General Assembly, in its resolution 68/237, noted with appreciation the work undertaken by the Working Group in producing a draft programme of action that was comprehensive and covered a wide range of areas that could serve as a broad framework for the International Decade for People of African Descent.

35. The draft programme of action proposed by the Working Group is firmly anchored in the Durban Declaration and Programme of Action, the outcome document of the Durban Review Conference, the political declaration of the high-level meeting of the General Assembly to commemorate the tenth anniversary of the Durban Declaration and Programme of Action (General Assembly resolution 66/3) and the International Convention on the Elimination of All Forms of Racial Discrimination. It is based on contributions received from Member States and other stakeholders, as well as comments made during the eleventh session of the Working Group.

36. In its report on its eleventh session, the Working Group gave an overview of the current human rights situation and the challenges faced by people of African descent, strengthening the rationale for the Decade. It proposed "recognition, justice and development" as a theme for the Decade. "Recognition" refers to the

[2] The Working Group defines people of African descent as those referred to as such in the Durban Declaration and Programme of Action and those who self-identify as being of African descent.

recognition of people of African descent as a distinct group, which is essential to increasing their visibility and requires greater collection of data to assess their situation as well as respect for their culture, identity, history and heritage. "Justice" recognizes that people of African descent have historically been and continue to be victims of violations of their fundamental rights and requires the full and effective implementation of relevant human rights instruments, combating widespread impunity for racism and racial discrimination and ensuring equal access to justice and equal protection under the law at all stages of law enforcement. Justice also relates to reparations for enslavement and the transatlantic slave trade, which should be in line with the Durban Declaration and Programme of Action. "Development" is considered in two ways: first, in terms of the role that people of African descent have played historically and contemporarily in global development; and second, in terms of the need for a human rights-based approach to all development activities. The draft programme of action states that specific attention must be paid to people of African descent in initiatives to realize the Millennium Development Goals and post-2015 international and national development objectives.

37. The draft programme of action identifies priority areas and specific recommendations, including in the areas of education and awareness-raising around the history and experiences of people of African descent and their contributions to global development; the participation and inclusion of people of African descent in all areas of society; discrimination in the administration of justice; the adoption of special measures; the promotion of the right to development and measures against poverty; access to quality education, employment, housing and health care; and addressing the intersectionality of multiple forms of discrimination.

38. Owing to the special and unique nature of discrimination often faced by people of African descent, in particular in relation to the legacies of colonialism, enslavement and the transatlantic slave trade, the Working Group deems it appropriate to make a careful distinction between their situation and that of other groups who also face racial and other forms of discrimination. It also sees the need to construct and delineate specific juridical categories that make it possible to address their needs adequately and overcome the obstacles they face. Therefore, in line with a recommendation by the Committee on the Elimination of Racial Discrimination, the Working Group recommended the elaboration of a draft United Nations declaration on the promotion of and full respect for the human rights of people of African descent for approval by the Human Rights Council and the establishment of a permanent forum for people of African descent.

39. The Working Group called upon international human rights treaty monitoring bodies and thematic and country-specific special procedures of the Human Rights Council, where relevant, to systematically monitor the human rights situations of people of African descent and requested disaggregated information on this group during reporting, periodic sessions and country visits.

40. The Working Group encouraged OHCHR to continue its fellowship programme for people of African descent during the Decade as well as its work on the development of a database containing good practices that have a positive impact on addressing racial discrimination faced by people of African descent. It also invited States to share experiences, learning and practices to improve and systematize policies and programmes.

41. Lastly, the Working Group encouraged the media to represent the diversity of society and play a role in fighting racism, racial discrimination, xenophobia and related intolerance faced by people of African descent.

**Collaboration with the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action**

42. The programme of work of the twelfth session of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action (7 to 17 April 2014) was dedicated to elaborating a programme of activities for the implementation of the International Decade for People of African Descent, drawing from the existing draft programme of action for the Decade as elaborated by the Working Group of Experts on People of African Descent and the report of the Secretary-General on how to make the International Decade for People of African Descent effective (A/67/879). The Chair of the Working Group of Experts on People of African Descent participated in the twelfth session of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action to introduce the Working Group's draft programme of action and follow up on the process to develop a programme of activities for the Decade.

**Partnership with the United Nations Library at Geneva**

43. In partnership with the Working Group and to support the proposal for the International Decade for People of African Descent, the United Nations Library at Geneva organized a special exhibition entitled "People of African descent: recognition, justice and development. A journey through the United Nations Library at Geneva collection". The exhibition ran from August 2013 to May 2014.

44. The Working Group also organized a talk programme in collaboration with OHCHR and the United Nations Library at Geneva. The talk programme was attended by over 80 representatives of Member States, non-governmental organizations, United Nations officials and media. The Chair, Ms. Verene Shepherd, delivered a lecture entitled "Reparation and the right to development: The case of the Caribbean Community (CARICOM)". Ms. Catherine Fiankan-Bokonga, Vice-President of the Association of Foreign Press in Switzerland and Lichtenstein, presented on the role of the media in promoting access to justice for people of African descent.

45. The United Nations Library at Geneva also launched an online resource guide on people of African descent [3] The guide provides links to the most relevant United Nations documents (resolutions, reports, declarations and treaties) on people of African descent. It also highlights the library's collections on the topic — both print and online resources (books, articles, journals and databases). Key websites have also been selected by United Nations Office at Geneva librarians to keep up-to-date on this subject.

[3] Available from http://libraryresources.unog.ch/africandescent.

**Presentation to the Third Committee and side event during the sixty-eighth session of the General Assembly in New York**

46. On 4 November 2013, the Chair of the Working Group reported on the status of the Working Group's work and on the International Decade to the Third Committee of the General Assembly. The presentation focused on the rationale for the Decade, including the need to pay more serious attention to the implementation of the Durban Declaration and Programme of Action and to build on the gains of the International Year for People of African Descent. In addition to the interactive dialogue with the Third Committee, a side event was held, which allowed for more detailed discussion on the Decade and the work of the Working Group.

**Latin American and Caribbean regional meeting**

47. In March 2014, the Chair of the Working Group participated in the Latin American and Caribbean regional meeting on the International Decade for People of African Descent. Representatives of Argentina, Barbados, Bolivia (Plurinational State of), Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Guyana, Honduras, Jamaica, Mexico, Nicaragua, Paraguay, Peru, Suriname, Trinidad and Tobago, Uruguay and Venezuela (Bolivarian Republic of) met in Brasilia on 20 and 21 March 2014, to discuss proposals for the International Decade for People of African Descent established by the United Nations, from 2015 onwards, as well as by the Community of Latin American and Caribbean States, from 2014 onwards.

48. Invited by the Brazilian Special Secretariat for Policies on the Promotion of Racial Equality, with the support of the Ministry of Foreign Affairs of Brazil, the participants considered a common position of the Latin American and Caribbean countries in negotiations to be held in the United Nations, with a view to preparing a programme of action for the International Decade for People of African Descent; developed proposals for the Decade for Latin American and Caribbean People of African Descent established by the Community of Latin American and Caribbean States; and recommended international, regional and national strategies to promote the inclusion of people of African descent and overcome racism, racial discrimination, xenophobia and related intolerance.

49. The participants committed to support the draft programme of action for the International Decade for People of African Descent elaborated by the Working Group of Experts on People of African Descent, referred to in Human Rights Council document A/HRC/21/60/Add.2, including, among others, the proposal to create a United Nations forum for people of African descent and to draft a declaration on the promotion of and full respect for their human rights.

50. They recognized that despite the progress in several Latin American and Caribbean countries in promoting equality and non-discrimination and the rights of people of African descent, there still remained great challenges in the fight against exclusion and marginalization on ethnic and racial grounds. They welcomed the opening for signature of the Inter-American Convention against Racism, Racial Discrimination and Related Intolerance to representatives of States parties to the Convention and encouraged countries to continue the process of signature and ratification.

51. Taking into account the adoption of the Decade for Latin American and Caribbean People of African Descent by the Community of Latin American and Caribbean States, they committed to expand and enhance regional coordination and cooperation in combating racism and promoting racial equality within the framework of the Community of Latin American and Caribbean States as well as in other regional forums, such as the Union of South American Nations (UNASUR) and the Southern Common Market (MERCOSUR). Participants committed to support the implementation of the working group established by the Community of Latin American and Caribbean States to develop the plan of action for the International Decade for People of African Descent, and to present the results and proposals of the regional meeting to the presidency and the troika of the Community and to the meeting of Ministries of Foreign Affairs.

**Letter to the President of the General Assembly**

52. The Chair of the Working Group sent a letter to the President of the General Assembly, John W. Ashe, on 12 June 2014 regarding ongoing consultations with States members of the General Assembly and other stakeholders, to elaborate a programme for the implementation of the International Decade for People of African Descent.

53. The Working Group expressed its interest in the work of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action on developing the draft programme for the International Decade pursuant to General Assembly resolution 68/237. The Working Group noted its appreciation for the advancements made in the deliberations, while also aware that the Intergovernmental Working Group had not been able to reach consensus on some important issues. It emphasized that the Decade provided an excellent opportunity to address the root causes of racism, racial discrimination, xenophobia and related intolerance and reiterated that political will was the only way to achieve the eradication of that evil scourge, which threatened all levels of reconciliation, peace and cooperation among peoples. The Working Group encouraged the General Assembly to adopt a strong, comprehensive and action-oriented document that would inform and guide the International Decade. The Working Group confirmed its commitment to contribute to the overall success of the International Decade and reiterated that it stood ready to assist the Assembly and the United Nations High Commissioner for Human Rights, as coordinator of the Decade, in the realization of those objectives.

## E. Other activities

54. In 2013, the Working Group participated in two expert consultations in the context of the post-2015 development agenda: Vienna+20: Advancing the protection of human rights achievements, challenges and perspectives 20 years after the World Conference (June 2013) and an expert meeting organized by OHCHR on human rights and the financial crisis: promoting a rights-based approach to financial regulation and economic recovery (July 2013). In those consultations, the Working Group underlined that people of African descent were numbered among the most vulnerable when it came to poverty and the denial of their rights. For centuries, people of African descent had been victims of racism, racial discrimination and enslavement, and justice must be included explicitly in the post-2015 development

framework. The Durban Declaration and Programme of Action established a clear link between underdevelopment and the colonialism that was the root of much of the injustice that currently existed in many parts of the developing world. The Working Group encouraged participants to advocate for the implementation of the recommendations of the Durban Declaration and Programme of Action as part of the post-2015 agenda. The Durban Declaration and Programme of Action formulated specific recommendations to combat discrimination, urging financial and development institutions and the operational programmes and specialized agencies of the United Nations to assign particular priority, and allocate sufficient funding, to improving the situation of Africans and people of African descent. Among the measures recommended to alleviate the plight of victims of African descent who continued to suffer the consequences of the transatlantic trade in captured Africans was that of reparation. The Durban Declaration and Programme of Action also outlined economic measures to effect change and solve socioeconomic problems, including harnessing the power of globalization for the benefit of developing countries as a means of mitigating the unevenly shared benefits that accompanied globalization. That could be achieved through, inter alia, strengthening and enhancing international cooperation to increase equality of opportunities for trade, economic growth and sustainable development. Increased educational opportunity and development and faithful implementation and enactment of laws and political, social and economic policies were important for mitigating the socioeconomic problems faced by people of African descent.

55. In 2014, OHCHR released a brochure on the Working Group's mandate and methods of work for public information and wide dissemination to raise awareness about the Working Group and the issues it addresses.

## IV. Conclusions and recommendations

56. **In conclusion, the Working Group welcomes the proclamation of the International Decade for People of African Descent starting on 1 January 2015 and ending on 31 December 2024, with the theme "People of African descent: recognition, justice and development" and stands ready to provide any substantive assistance the General Assembly may require during the Decade.**

57. **The Working Group encourages the General Assembly to adopt a strong, comprehensive and action-oriented document that will inform and guide the International Decade. It recommends that Member States use, to the extent possible, its proposed programme of action for the Decade, which contains practical activities to be developed at the national, regional and international levels. In particular, the programme of action should include the establishment of a permanent forum on people of African descent and the drafting of a United Nations declaration on the promotion of and full respect for the human rights of people of African descent, which will serve as a legal framework for the promotion and protection of the rights of people of African descent.**

58. **In accordance with the themes of the Decade, the Working Group recalls some of the recommendations contained in its annual reports to the Human Rights Council, in 2014 (A/HRC/27/68) and 2013 (A/HRC/24/52) respectively, on equal access to justice and recognition through education, cultural rights**

**and data collection. The Working Group calls upon States to take the necessary action and implement its recommendations:**

***Equal access to justice***

**59. The principles of restorative justice should be applied in addressing access to justice for people of African descent.**

**60. Young people of African descent should benefit, including, when appropriate, through the provision of special measures, from access to quality education and appropriate professional orientation in order to have access to positions in the judiciary and administrative institutions at the highest levels.**

**61. States should prioritize prevention and the institutionalization of care in order to ensure that institutionalization of young people is a last resort.**

**62. States should recognize the intersectional nature of discrimination on the basis of gender, religion, ethnicity and other forms, keeping in mind that perpetrators of multiple forms of discrimination are not always cognizant of the fact that they are racially discriminating.**

**63. Appropriate education and training for young people of African descent should be provided in order to prevent unemployment, social stigmatization, police profiling, and brutality.**

**64. Quality, free legal aid should be offered for women of African descent who are in need, so that access to justice is available to everyone. Information about legal services and legal centres should be easily available and widely distributed, especially among groups facing multiple forms of discrimination, such as women of African descent. Regular training and education about their legal rights and available services should be provided to people of African descent.**

**65. Guidelines should be adopted for the prevention, recording, investigation and prosecution of racist or xenophobic incidents. Guidelines should guarantee that people of African descent who are victims of acts of racism, especially women of African descent as victims of multiple forms of discrimination, receive proper treatment in police stations, so that complaints are recorded immediately, investigations are pursued without delay and in an effective, independent and impartial manner, and files relating to racist or xenophobic incidents are retained and incorporated into databases.**

**66. People of African descent should be able to effectively seek protection and remedies, through the competent national tribunals and other State institutions, against any acts of racial discrimination and to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination.**

**67. Judicial remedies in cases of racial discrimination should be easily accessible, prompt, impartial, affordable and geographically accessible. Law enforcement and judicial services shall have an adequate and accessible presence in the neighbourhoods, regions, collective facilities, camps or centres where groups of people of African descent reside, so that their complaints can be expeditiously received. Accessible and youth-friendly reporting systems and services must be in place.**

68. People of African descent should enjoy all the guarantees of a fair trial and equality before the law, as enshrined in the relevant international human rights instruments and, specifically, the right to presumption of innocence, the right to assistance of counsel and to an interpreter, the right to an independent and impartial tribunal and guarantees of fair punishment and the enjoyment of all the rights to which prisoners are entitled under the relevant international norms.

69. Acts of racial discrimination should be prosecuted and punished and the victims fully compensated. The obligation to prosecute and punish should cover all material or intellectual perpetrators of the violation. Cases of racial discrimination must receive effective, proportionate and dissuasive sanctions and remedies both to reduce impunity and to ensure that the victims are reinstated to the dignity of which they were deprived.

70. Programmes should be in place to provide reparatory justice for people of African descent as victims of racial discrimination and historical injustices, including full recognition of wrongs committed.

71. Measures should be adopted to prevent questioning, arrests and searches that are in reality based solely on the physical appearance of a person, that person's colour, features, membership of a racial or ethnic group, or any profiling that exposes him or her to greater suspicion.

72. The administration of justice and the criminal justice system shall be subjected to permanent monitoring and adequate review in order to better gauge the existence and extent of racial discrimination. The judicial system shall adopt special measures to recruit and promote persons of African descent.

73. The criminalization of race should be addressed, taking measures to eliminate the overrepresentation of young people of African descent who are subject to the criminal justice system, as well as double standards in sentencing. The racial aspects of violence and imprisonment shall be recognized.

74. Potential discriminatory effects of certain domestic legislation should be eliminated, in particular with regard to legislation on terrorism, immigration and nationality, as well as legislation that has the effect of penalizing without legitimate grounds certain groups or members of certain communities, including people of African descent, and in any case, respecting the principle of proportionality in its application.

75. Measures should be adopted to eliminate sociocultural ideologies inherited from the enslavement period that perpetuate racism and racial discrimination against people of African descent and their continued invisibility at all levels of society. Programmes shall be established to preserve knowledge on the culture and history of people of African descent in museums and other forums for future generations, and efforts shall be made to encourage and support the publication and distribution of books and other print materials, as well as the broadcasting of television and radio programmes about their history and cultures. States and civil society shall work with media and communications companies to promote more positive and inclusive images and representations of people of African descent to increase their visibility within society and challenge negative stereotypes and resultant discrimination.

76. A greater knowledge of and respect for the heritage and culture of people of African descent should be adopted, in particular for children and young people, through intercultural education and dialogue, awareness-raising and activities designed to protect and promote African and African-descent culture in its various manifestations. Specific plans must be in place for the ethnic recognition and visibility of people of African descent. Measures shall be adopted to preserve, protect and restore traditional knowledge and the intangible patrimony and spiritual memory of sites and places of the slave trade and slave resistance.

77. The rights of children and young people of African descent need to be specifically protected with regard to their identity, culture and language, in particular by promoting culturally and linguistically sensitive education policies and programmes. Actions shall be adopted to combat the indirect discrimination faced by children in education systems by removing the negative stereotypes and imagery often used in teaching materials, ensuring the inclusion of the histories and cultures of people of African descent, including the transatlantic slave trade in curriculums, and ensuring the cultural or linguistic relevance of teaching for children of African descent. Formal education at the early childhood, primary, secondary, post-secondary and adult education levels must incorporate knowledge about the history of transatlantic enslavement and the role of people of African descent in global development, and the di[illegible]sity and richness of civilizations and cultures that constitute the common heritage of humankind. A comprehensive curriculum reform shall also tackle all forms of stereotypes.

78. Good practices of other countries and regions that have been able to address the negative heritage of enslavement and to build inclusive, multicultural and multi-ethnic societies shall be shared and exchanged.

79. The Working Group urges States to adopt national action plans against racial discrimination that include special measures, based on disaggregated data, as appropriate, to address structural discrimination against people of African descent, taking into account general recommendation No. 32 (2009) adopted by the Committee on the Elimination of Racial Discrimination.

*Recognition through education, cultural rights and data collection*

80. States should fully protect the right of people of African descent to education, and must go beyond issues of physical or economic accessibility, to focus on the ultimate goal of equal access to quality education at all levels and equal achievement outcomes.

81. Every person is entitled to accessible, free and high-quality primary-level education. States should take reasonable legislative and other measures to achieve the progressive realization of this right by people of African descent with respect to secondary education and for higher education on the basis of capacity.

82. States should also:

(a) Ensure accessible and available education, in particular in areas where people of African descent live, including in rural and marginalized communities, paying attention to improving the quality of public education;

(b) Take measures to ensure that students of African descent are protected from direct or indirect discrimination, stigmatization, symbolic and physical violence, and racist bullying. The education system should ensure that all students learn in an environment free from racist and hostile attitudes of teachers and peers, and are protected therefrom. Negative stereotypes and imagery in teaching materials should be removed;

(c) Institute a compulsory human rights teacher-training programme at the national level, covering, among other areas, multiculturalism, equality, non-discrimination and gender sensitivity at a national level;

(d) Take into account the cultural and ethnic diversity of the communities served when selecting teachers. The teaching profession should include highly qualified teachers of people of African descent;

(e) Revise and develop specific curriculums and corresponding teaching materials that respect and recognize history, including the transatlantic slave trade. Such curriculums should be incorporated into formal and informal education at the early childhood, primary, secondary, post-secondary and adult education levels. People of African descent should have the opportunity to contribute to the development of such curriculums;

(f) Make history a compulsory subject at the primary and secondary educational levels, thereby giving children of African descent a connection with their past and a sense of cultural identity;

(g) Support the study and recognition and promote greater knowledge of and respect for the history of people of African descent. All students and teachers around the world should be taught about African and African diaspora history, culture and contribution to progress, the impact throughout the time of the movement and settlement of diverse populations, as well as the nature and effects of colonialism and the slave trade, emphasizing people of African descent as survivors or resisters, while also recognizing them as victims of human rights violations under international human rights law;

(h) Ensure that people of African descent are provided with adequate means to undertake research to speak about themselves and their role and contribution to the development of society, including industrialization;

(i) Ensure that national curriculums include the history of Africa before European contact in history education, in order to empower people of African descent about their past before the transatlantic slave trade. Similarly, history education should feature the liberation struggles during and after the colonial period. History education should also be about the development of world civilizations and should stress the contribution of people of African descent to global economic development, especially that of Europe. This will help the recognition of people of African descent as world actors;

(j) Promote a collective vision and strategy for improving the conditions of people of African descent by empowering them through the right to education. In this context, a database on information pertaining to the status of education of people of African descent should be developed;

(k) Ensure that curriculums adequately reflect the diversity and plurality of societies. Education should be culturally relevant for children and

young people of African descent, including in their own language where necessary;

(l) Take measures to reduce the school dropout rate and improve the underachievement of children of African descent with greater support and attention given to families;

(m) Adopt measures to increase the number of teachers of African descent working in educational institutions;

(n) Promote access to new technologies that would offer people of African descent, particularly women, children and young people, adequate resources for education, technological development and long-distance learning in local communities;

(o) Guarantee a smooth transition from early childhood to primary and secondary educational facilities without discriminatory competitive placement systems (for example, common entrance examinations);

(p) Provide sufficient budgetary resources and adopt measures, including affirmative action policies, at all levels of education for people of African descent, as a means for Governments to recognize the existence of structural discrimination and to combat it;

(q) Improve quality standards of education in public education systems;

(r) Develop truly inclusive classroom pedagogy for all, with culturally relevant curriculums, that celebrates the history and contribution of people of African descent;

(s) Institute national systematic monitoring and evaluation of the negative effects of racism and discrimination on the educational progress of children of African descent, including an analysis of the intersectional effects of social class, gender, religion and geography.

83. Civil society and people of African descent groups should continue with the development of a collective vision and strategy for improving the access to quality education for people of African descent by empowering them through the right to education.

84. In recognition of the contribution of the continent of Africa and people of African descent to the development, diversity and richness of world civilizations and cultures that constitute the common heritage of humankind, States should, in collaboration with relevant United Nations bodies and agencies, particularly the United Nations Educational, Scientific and Cultural Organization (UNESCO) and international donors:

(a) Promote and protect the culture, identity and tangible and intangible heritage of the continent of Africa and people of African descent, and keep, maintain and foster their mode of life and forms of organization, languages and religious expressions;

(b) Set up research programmes and circulate information to deconstruct the (mis)representation of people of African descent;

(c) Increase the visibility and recognition of the contributions of people of African descent and the continent of Africa to their respective societies and

to global development; promote research on past and present conditions of people of African descent and compile existing information on their contribution to their respective societies in order to foster the development of intercultural society from a democratic perspective, recognizing diversity and promoting knowledge and understanding of the causes and consequences of racism, racial discrimination and xenophobia;

(d) Support radio, television and Internet programmes about the history and cultures of people of African descent and promote more positive and inclusive representations that increase their visibility within society and challenge negative stereotypes and resultant discrimination;

(e) Celebrate the richness and creativity in all forms of artistic expressions by people of African descent;

(f) Consider proclaiming a national day in countries that do not yet have such a day, in order to celebrate the heritage, culture and contribution to the world of people of African descent;

(g) Put in place measures and procedures to prevent the media from perpetuating negative stereotypes.

85. People of African descent and African organizations and communities should establish a network to facilitate trade and cultural exchange, and promote interaction and collaboration.

86. Schools should adopt programmes to promote empowerment and help children to develop a positive perception of themselves and reinforce self-assurance and pride in their African backgrounds by demonstrating knowledge about their culture, history and contributions to society. Such measures will also improve their performance in schools.

87. People of African descent should therefore be consulted in the construction of new monuments and the development of memorial sites. Gender balance and diversity should be taken into consideration in the construction of new monuments and memorial sites.

88. States are recommended to collect data for use in reports submitted to the Committee on the Elimination of Racial Discrimination, illustrating the situation regarding racial discrimination in the country concerned.

89. In accordance with paragraph 92 of the Durban Programme of Action, States should also:

(a) Collect, compile, analyse, disseminate and publish reliable statistical data at the national and local levels and undertake all other related measures that are necessary to assess regularly the situation of individuals and groups of individuals who are victims of racism, racial discrimination, xenophobia and related intolerance;

(b) Such statistical data should be disaggregated in accordance with domestic legislation. Any such information should, as appropriate, be collected with the explicit consent of the victims, based on their self-identification and in accordance with provisions on human rights and fundamental freedoms, such as data protection regulations and privacy guarantees. This information must not be misused. The statistical data and information should be collected with

**the objective of monitoring the situation of marginalized groups, and the development and evaluation of legislation, policies, practices and other measures aimed at preventing and combating racism, racial discrimination, xenophobia and related intolerance, as well as for the purpose of determining whether any measures have an unintentional disparate impact on victims. To that end, it recommends the development of voluntary, consensual and participatory strategies in the process of collecting, designing and using information. The information should take into account economic and social indicators, including, where appropriate, health and health status, infant and maternal mortality, life expectancy, literacy, education, employment, housing, land ownership, mental and physical health care, water, sanitation, energy and communications services, poverty and average disposable income in order to elaborate social and economic development policies with a view to closing the existing gaps in social and economic conditions;**

**(c) Adopt domestic legislation on combating racial discrimination. Data collection should result from explicit anti-discrimination laws that require data in order to measure discrimination and formulate, implement and monitor appropriate public policies, including special measures, pursuant to international human rights standards;**

**(d) Adopt laws regulating the collection and processing of ethnic and racial data that protect fundamental freedoms, including the right to privacy, provide the necessary safeguards for protecting data from misuse, such as racial profiling and negative monitoring, and ensure confidentiality of information, in accordance with relevant regional and international standards, in particular the Guidelines for the Regulation of Computerized Personal Data Files concerning the legality, fairness, accuracy and relevance of data, purpose-specification, interested-party access, non-discrimination, security, oversight and penalties. The normative framework should be approved beforehand and lay down the following minimum conditions: the person must give explicit consent; the data collection must serve the public interest, namely, the fight against racial discrimination; and the framework must be legally binding;**

**(e) Develop and identify quantitative and qualitative indicators for promoting and monitoring racial equality and non-discrimination, taking into account the methodology approved by the United Nations human rights treaty bodies.**[4]

**90. States, through their government bodies, as well as national statistics institutes, human rights institutions and organizations for racial equality, in conformity with their mandates, should:**

**(a) Include questions on the identities of people of African descent in all relevant data-collection and disaggregation activities;**

**(b) Conduct prior research and contextualize the data system so as to ensure that the data are culturally relevant and use appropriate terminology;**

[4] See report of the Office of the United Nations High Commissioner for Human Rights on indicators for promoting and monitoring the implementation of human rights (HRI/MC/2008/3).

(c) **Produce qualitative data to complement quantitative information in order to enhance knowledge of the level of well-being of people of African descent;**

(d) **Produce data illustrating the situation of women and children of people of African descent;**

(e) **Contribute to formulating survey questions in order to gather information on perceptions of people of African descent;**

(f) **Respect and develop methods of self-identification and free consent and encourage participation by people of African descent in all stages of the process, from design to collecting data, formulating questions and analysing results;**

(g) **Sensitize and train staff of national statistics institutes responsible for collecting and disaggregating data, in human rights and the culture, history and linguistic profile of the communities about which they will be gathering information;**

(h) **Carry out pre- and post-census awareness campaigns on the importance of gathering disaggregated data and disseminate results through the media. Published data should be accompanied by a careful analysis so that the information can serve as a useful tool in devising public policies for racial advancement.**

# I. Introduction

1. The General Assembly, in its resolution 68/238, recognized the special challenges and needs of small island developing States, many of which are not on track to achieve the Millennium Development Goals by 2015.

2. The same resolution also reaffirmed the commitment to take urgent and concrete action to address the vulnerability of small island developing States, including through the sustained implementation of the Programme of Action for the Sustainable Development of Small Island Developing States[1] and the Mauritius Strategy for the Further Implementation of the Programme of Action for the Sustainable Development of Small Island Developing States,[2] and underlined the urgency of finding additional solutions to the major challenges facing small island developing States in a concerted manner so as to support them in sustaining the momentum realized in implementing the Barbados Programme of Action and the Mauritius Strategy and achieving sustainable development.

3. In its resolution 68/238, in follow-up to its resolution 67/207 in which it reaffirmed the decision to convene in 2014 the third International Conference on Small Island Developing States, the General Assembly decided on the modalities for the preparatory process for the Conference and on the modalities for the Conference, including reaffirming its decision that the Conference would result in a concise, focused, forward-looking and action-oriented political document; decided to establish the Bureau of the Preparatory Committee and decided on the organization of the meetings of the Preparatory Committee; and requested the Secretary-General to provide all appropriate support to the work of the intergovernmental committee process of the Conference and to the Conference itself and to ensure inter-agency cooperation and effective participation and coherence within the United Nations system, as well as the efficient use of resources, so that the objectives of the Conference could be addressed.

4. The present report outlines the progress made towards furthering the implementation of the Mauritius Strategy in accordance with General Assembly resolution 68/238. The relevant bodies of the United Nations system, including the regional commissions, as well as regional intergovernmental organizations of small island developing States, major groups and Member States were consulted in its preparation.[3]

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[1] *Report of the Global Conference on the Sustainable Development of Small Island Developing States, Bridgetown, Barbados, 25 April-6 May 1994* (United Nations Publication, Sales No. E.94.I.18 and corrigenda), chap. I, resolution 1, annex II.

[2] *Report of the International Meeting to Review the Implementation of the Programme of Action for the Sustainable Development of Small Island Developing States, Port Louis, Mauritius, 10-14 January 2005* (United Nations Publication, Sales No. E.05.II.A.4 and corrigendum), chap. I, resolution 1, annex II.

[3] Inputs were received from the Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States, the United Nations Environment Programme (UNEP), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the United Nations Children's Fund (UNICEF), the Commonwealth and the Governments of Japan, Mexico, Morocco, New Zealand and the Russian Federation.

## From the United Nations Conference on Sustainable Development to the third International Conference on Small Island Developing States

### Identification of the objectives of the Conference during the preparatory process

5. During the United Nations Conference on Sustainable Development, held in Rio de Janeiro, Brazil, in June 2012, the international community noted the continued challenges that small island developing States faced as a result of their special circumstances and of their difficulties in implementing the Mauritius Strategy.

6. In response to those challenges, in its outcome document, entitled "The future we want", the Conference called for "the convening in 2014 of a third international conference on small island developing States, recognizing the importance of coordinated, balanced and integrated actions to address the sustainable development challenges facing small island developing States" (see General Assembly resolution 66/288, annex, para. 180).

7. Following the United Nations Conference on Sustainable Development, the General Assembly adopted two resolutions outlining the modalities for the preparatory process and for the Conference (see resolutions 67/207 and 68/238), in which it was decided that:

(a) The Conference would (i) assess the progress to date and the remaining gaps in the implementation of the Barbados Programme of Action and the Mauritius Strategy, building on, inter alia, existing reports and relevant processes; (ii) seek a renewed political commitment by all countries to address effectively the special needs and vulnerabilities of small island developing States by focusing on practical and pragmatic actions for the further implementation of the Barbados Programme of Action and the Mauritius Strategy, inter alia, through mobilization of resources and assistance for small island developing States; (iii) identify new and emerging challenges and opportunities for the sustainable development of small island developing States and ways and means to address them, including through the strengthening of collaborative partnerships between small island developing States and the international community; and (iv) identify priorities for the sustainable development of small island developing States for consideration, as appropriate, in the elaboration of the post-2015 United Nations development agenda (see resolution 67/207);

(b) The overarching theme of the Conference would be "The sustainable development of small island developing States through genuine and durable partnerships", and that the Conference should serve as a forum to build on existing successful partnerships and to launch innovative and concrete new ones to advance the sustainable development of small island developing States (see resolution 68/238).

8. The Government of Samoa extended an offer to host the Conference, and the preparatory process has been guided by the mandates of General Assembly resolutions 67/207 and 68/238. Regional, interregional and global preparatory meetings were held in preparation for the Conference, which will be held in Apia from 1 to 4 September 2014.

9. The Conference will usher in the next stage of the follow up to and implementation of the sustainable development strategies of small island developing States.

**Identification of priorities for the small island developing States at the regional and interregional levels**

10. At the sixty-eighth session of the General Assembly, the outcome document of the interregional preparatory meeting for the third International Conference on Small Island Developing States, entitled "Small islands developing States integrated and enabling cooperation framework for the Barbados Programme of Action and the Mauritius Strategy for Implementation", which was adopted by small island developing States and highlighted their priorities following regional and interregional consultations, was circulated as a document of the Second Committee (see A/C.2/68/7, annex II).

11. The priorities highlighted by the small island developing States for both the outcome of the third International Conference and the post-2015 development agenda included:

(a) The need to establish a global enabling environment inclusive of national and regional dimensions that takes into consideration the need for the full implementation of the Barbados Programme of Action, the Mauritius Strategy and the outcome of the third International Conference;

(b) Issues specific to the small island developing States, given their unique and persistent structural vulnerabilities;

(c) The need for eradicating poverty, engendering equality and achieving environmental sustainability;

(d) The need to balance the use of land for agriculture, food and water security, and economic and social development, with the need for ecosystem conservation and biodiversity preservation;

(e) The critical need to address the emerging health crisis represented by non-communicable diseases;

(f) Continued commitment to accelerate the shift towards sustainable consumption and production patterns, including through the 10-year framework of programmes on sustainable consumption and production patterns and support for the small island developing States in that regard;

(g) The elaboration of appropriate indices that better reflect the vulnerability of small island developing States and guide them to adopt more informed policies and strategies for building and sustaining long-term resilience;

(h) The establishment of a robust global monitoring system that would strengthen accountability at all levels and ensure adequate and timely analysis of the implementation of the Barbados Programme of Action and the Mauritius Strategy, as well as the outcome of the third International Conference;

(i) Dedicated support for the ongoing processes in follow-up to the United Nations Conference on Sustainable Development and in the elaboration of the post-2015 development agenda, in particular the Open Working Group on

Sustainable Development Goals and the Intergovernmental Committee of Experts on Sustainable Development Financing;

(j) Climate change as a cross-cutting issue, in accordance with the principle of common but differentiated responsibilities and respective capabilities;

(k) Healthy, productive and resilient oceans.

12. The priority areas requiring attention included climate change, including sea level rise and ocean acidification; declining official development assistance and access to funding and financial institutions; gender equality and women's empowerment; communicable and non-communicable diseases; unemployment; preservation of cultural heritage and practices; sustainable tourism; sustainable consumption and production; peace, security and stability; food security; green economy; information and communication technologies; biodiversity; waste and chemical management; social development; forests; sustainable energy; disaster risk reduction; and oceans and seas.

13. In order to address the challenges and utilize the opportunities, enabling factors identified by the small island developing States were financing; capacity-building; technology transfer; data collection and management; partnerships and technical cooperation; and institutional support.

**Evolution of the partnership theme of the Conference**

14. The outcome of the United Nations Conference on Sustainable Development underscored that sustainable development requires concrete and urgent action, highlighting that it can only be achieved with a broad alliance of people, governments, civil society and the private sector, all working together to secure the future we want for present and future generations. The broad alliance mentioned in the outcome document is a sine qua non if small island developing States are to reach their sustainable development aspirations. In this regard the participation and strong support of small island developing States and their development partners are paramount.

15. During the regional and interregional preparatory meetings for the third International Conference, the partnership theme gained even more prominence as a key element in the further sustainable development of small island developing States. As stated in the outcome document of the interregional preparatory meeting (see A/C.2/68/7, annex II, para. 4):

> There is a need for partners to assist small island developing States in the pursuit of their goals in relation to sustainable development. The overarching theme of the third International Conference on Small Island Developing States will be "Sustainable development of small island developing States through genuine and durable partnerships.

The General Assembly endorsed the theme for the Conference in its resolution 68/238.

# II. Implementation of the Mauritius Strategy

16. The majority of activities at the international level relating to the implementation of the Mauritius Strategy, over the past year, has been focused on the third International Conference. However, there have been other activities geared towards the implementation of the Mauritius Strategy.

17. During the preparatory process for the third International Conference,[4] countries called for the full implementation of commitments and a transformational strategy to bridge national sustainable development priorities and the global development agenda. Countries also called for the creation of institutional mechanisms to facilitate inter- and intraregional collaboration for the implementation of initiatives that have been proposed in the past but not yet implemented.

## A. Ongoing efforts of Member States from among the small island developing States

18. Efforts for the implementation of the Barbados Programme of Action and the Mauritius Strategy have been made at the national level by Member States from along the small island developing States, through the development of national sustainable development plans and strategies and the strengthening of institutions to address priority areas.

19. For example, in Guyana, the Low Carbon Development Strategy update launched in 2013 specifically addresses, among other issues, clean energy production and sustainable forest management.

20. Palau is the first island nation to begin work on a project for developing climate and disaster resilience plans for national broadcasters through a course on emergency management for the media, which was completed in June 2014. The training is part of an initiative funded by the Pacific Media Assistance Scheme and implemented by the Secretariat of the Pacific Regional Environment Programme in partnership with the Secretariat of the Pacific Community.

21. Tonga, in partnership with the World Bank, among others, is implementing a 10-year energy road map, the launch of which was announced in September 2013. The road map puts the government of Tonga in charge of managing multiple donors in a coherent manner around its national priorities in energy.

22. The objective of the energy policy of Seychelles (2010-2030) is to achieve 100 per cent reliance on renewable energy in the long term. The first step has been taken with the launch of the first large-scale windfarm on Mahé Island, in 2013. The windfarm in Port Victoria consists of eight turbines able to provide 6 MW (corresponding to 8% of Mahé Island's total energy capacity). The project, funded by the Abu Dhabi Fund for Development, was created to reduce oil imports, air pollution and carbon emissions and is estimated to provide electricity to more than 2,100 houses and reduce the consumption of fuel by about 1.6 million litres per year.

23. In 2014, the Government of Seychelles launched an innovative debt swap initiative in order to exchange a portion of its external debt for funding for coastal and marine-related conservation projects, in an effort to strengthen the island nation's resilience to climate change. The initiative was discussed with high-level representatives of the ministries of finance and environment of the governments of Belgium, France and the United Kingdom of Great Britain and Northern Ireland, the main bilateral creditors of Seychelles.

[4] See the compendium of inputs to the preparatory process, available from www.sids2014.org/index.php?menu=1533.

24. In 2014, Mauritius was selected to be a pilot country for the Partnership for Action on Green Economy, an initiative which involves four United Nations entities: the United Nations Environment Programme (UNEP), the International Labour Organization (ILO), the United Nations Industrial Development Organization (UNIDO) and the United Nations Institute for Training and Research (UNITAR). The initiative aims to provide a comprehensive suite of green economy services that will enable countries to transform national economic structures to meet the growing demands and challenges of the twenty-first century. Within this context, the steering committee of the "Maurice Ile Durable" initiative held a special meeting of the to discuss the development of a green economy action plan for Mauritius.

25. The implementation of the policy and strategy action plan for "Maurice Ile Durable" was made public in 2013 and approved by the commission for the initiative in 2014. The plan is initially organized around five pillars: energy, environment, employment/economics, education and equity, to be implemented through 130 projects and/or activities in the short, medium and long terms to bring coherence and to enhance existing activities by introducing new ideas for better sustainable development.

26. At the subregional headquarters for the Caribbean of the Economic Commission for Latin America and the Caribbean, during the sixth meeting of the Technical Advisory Committee of the Regional Coordinating Mechanism for the Mauritius Strategy for the Further Implementation of the Programme of Action for Small Island Developing States, while reviewing the progress in implementation, it was noted that in the Caribbean region, progress had been made in the areas of climate change and sea-level rise, natural environment and disasters, waste management, health, coastal and marine, freshwater, energy and biodiversity resources while progress in implementation was less notable in transport and communication, science and technology, graduation from least developed country status, sustainable production and consumption, national and regional enabling environments, knowledge management, culture, science development and technology transfer, and national and international governance.

27. In the Pacific, some activities took the form of regional coordination or bilateral activities with agencies and development partners. The office of the United Nations Children's Fund (UNICEF) for the Pacific Island Countries, the United Nations Development Programme (UNDP) and the Food and Agriculture Organization of the United Nations, for example, have been collaborating with various government agencies and non-governmental organizations in Vanuatu, in supporting community programmes on creating resilience and coping with climate change and natural disasters.

28. At the community level, the office of UNICEF for the Pacific Island Countries, in partnership with the Ministry of Education, Youth and Sports in Tuvalu and the Department of Foreign Affairs and Trade of the Government of Australia established a joint initiative on achieving education for all in Tuvalu, which commenced in 2012 and will end in 2015, with a focus on equity that has led to innovations such as school grants and overall increased efficiency and effectiveness in the education system and greater ownership by all key stakeholders.

29. UNEP is working with the United Nations Human Settlement Programme (UN-Habitat), the Secretariat of the Pacific Regional Environment Programme and the Lami Town Council to design and implement an ecosystem-based adaptation

strategy for the coastal town of Lami in Fiji. The work encompassed vulnerability assessment and the analysis of costs and benefits of a range of adaptation options available to the town, comparing ecosystem-based approaches, such as mangrove restoration, to engineering-based approaches, such as building a sea wall.

30. The tenth Pacific Health Ministers Meeting, jointly organized by the Ministry of Health of Samoa, the Secretariat of the Pacific Community and the World Health Organization was convened from 2 to 4 July 2013 in Apia. Representatives identified many actions in continuing pursuit of the goal of "Healthy Islands", such as declaring a goal of a tobacco-free Pacific and developing regional and national multisectoral accountability mechanisms for addressing non-communicable diseases.

31. Acknowledging that fisheries are of fundamental importance to the Pacific Islands region, the Pacific Community welcomed a funding package for fisheries from Australia, in the amount of 9.6 million Australian dollars, which was pledged on 1 August 2014, at the forty-fifth Pacific Islands Forum, held in Palau. The funding, which will cover a four-year period, targets coastal fisheries development in particular. The Pacific Community plays a key role in scientific assessments of the status of both regional tuna stocks and the coastal fisheries of individual countries.

## B. Development partners

32. Support for the implementation of the Mauritius Strategy by the development partners has continued. The following activities by a sample of countries are a few examples of the progress that has been made by some of the development partners of the small island developing States over the past few years.

### Japan

33. The sixth Pacific Islands Leaders Meeting was held in Nago, Okinawa, Japan, on 25 and 26 May 2012. At this summit, under the slogan "We are Islanders — For Growing 'Kizuna' (Strong Bonds) in the Pacific", the leaders formulated five pillars for cooperation during the period from 2012 to 2015: (a) response to natural disasters; (b) environment and climate change; (c) sustainable development and human security; (d) people-to-people exchanges; and (e) maritime issues.

34. Japan also pledged grants to eight Caribbean countries (Belize, Dominica, Grenada, Guyana, Jamaica, Saint Lucia, Saint Vincent and the Grenadines and Suriname) for a partnership between Japan and the Caribbean regarding climate change, in order to assist those countries in implementing pilot projects for developing climate change policies and promoting technology transfer in relation to mitigation and adaptation.

### Mexico

35. Mexico, through its National Forestry Commission, contributed germ plasm for the reforestation programme of the microwatersheds of Kenscoff and Furcy in Haiti, in 2012.

36. The project for the strengthening of geospatial data infrastructure in the Caribbean was officially launched in April 2014, during the sixth Summit of Heads of State and/or Government of the Association of Caribbean States, held in Mérida, Mexico. The project aims to contribute to the development of a regional geospatial

infrastructure network, through diagnostics, capacity-building and the provision of equipment.

**Morocco**

37. In the context of the work of the small island developing States of the Atlantic, Indian Ocean, Mediterranean and South China Seas region, Morocco has focused on educational support through scholarships and professionals have benefited from trainings in customs, transport, fisheries, security and journalism. Morocco has also provided cultural and technical cooperation on water cooperation initiatives.

38. In the Caribbean, Morocco has granted scholarships and trainings in such areas as health, agriculture, water and electricity, transport, trade and tourism.

39. In the Pacific, the areas in which Morocco participates in cooperation have mainly focused on technical cooperation in human rights, fishing, the phosphate industry and professional trainings.

**New Zealand**

40. In addressing renewable energy investment in small islands developing States of the Pacific, New Zealand and the European Union co-hosted the Pacific Energy Summit in March 2013. The Pacific Energy Summit was the catalyst for the expansion of New Zealand's renewable energy programme for the Pacific.

41. New Zealand is also expanding its cooperation with the Caribbean, Latin America and Africa, with a view to providing technical assistance in renewable energy.

**Russian Federation**

42. The Russian Federation is increasing its technical, financial and in-kind assistance to small island developing States. This includes the implementation of projects aimed at enhancing the national capacity of those States in such areas as social and economic development, modernization of physical infrastructure, public administration, education, health, culture and sport, and post-disaster recovery.

43. Cooperation in the field of education is also being strengthened. Plans have been agreed to admit 20 diplomats from the small island developing States of the Pacific to the advanced training courses at the Diplomatic Academy of the Ministry of Foreign Affairs of the Russian Federation.

**United Arab Emirates**

44. The United Arab Emirates hosted the first Blue Economy Summit, a ministerial conference, on 19 and 20 January 2014, during Abu Dhabi Sustainability Week. The goal of the meeting was to discuss how to utilize the blue economy as a tool to shift development in small island developing States and coastal states towards a sustainable development trajectory, building on the consensus of the United Nations Conference on Sustainable Development. It was an important milestone in identifying the appropriate policy frameworks to support the shift of small island developing States and coastal regions towards sustainable development.

**European Union**

45. The European Union and New Zealand hosted a Pacific Energy Summit in 2013, with co-sponsorship from the World Bank, the Asian Development Bank and the Australian Agency for International Development. The summit provided a forum for leaders from Pacific Island countries to present their energy plans and targets and to seek donor and private sector support.

46. In February 2013, the Secretariat of the Pacific Community announced it was implementing a project with funding from the European Union, regarding improving key services to agriculture in Fiji, in order to cushion the economic and social impacts of restructuring Fiji's sugar sector. The Secretariat of the Pacific Community will assist sugar farmers in employing land that is currently underutilized. Additionally, in the same month, the Global Mechanism of the Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa launched a revamped web-based platform on financing for sustainable land management. The website will support the exchange of information on funding and finance for sustainable land management among African, Caribbean and Pacific countries, many of which are also small island developing States.

47. In May 2013, the Secretariat of the Pacific Regional Environment Programme announced that it had signed a contribution agreement to the value of €7.85 million with the European Union to address hazardous waste issues in the Pacific region. Activities covered under the agreement will focus on electronic, medical and asbestos waste. Also in May 2013, the European Union reported that it had surpassed its fast-start finance pledge to developing countries by providing over €7.3 billion (approximately $9.5 billion) in climate finance.

## C. United Nations system

48. The United Nations system has implemented many activities towards the further implementation of the Mauritius Strategy, some examples of which are outlined below.

49. Small island developing States have highlighted the need to have their specific characteristics, emergencies and challenges considered, their eligibility for international aid assessed and their statistical system for data collection and monitoring strengthened. In that regard, the three main publications of the Department of Economic and Social Affairs relating to small island developing States illustrate the relevant issues from different perspectives. The 2014 edition of the *World Statistics Pocketbook* provides a compilation of basic social, economic and environmental indicators that together comprise a framework for assessing, in quantitative terms, each State's current development situation. "Trends in sustainable development: small island developing States" for 2014 highlights the vulnerabilities of small island developing States and recent trends and progress made in their sustainable development. A wallchart on population and development in small island developing States, updated for 2014, presents the latest data available on 16 indicators of demographic, environmental and economic characteristics of the populations of small island developing States and will be distributed as a contribution to the third International Conference.

50. The analytical framework for vulnerability-resilience profiles has been developed by the Small Island Developing States unit of Department of Economic and Social Affairs through expert consultations, under the umbrella of the "Islands" project of the Indian Ocean Commission, which is funded by the European Union. In 2014, Seychelles and Mauritius became the first countries to pilot vulnerability-resilience profiles, a policy tool for monitoring and assessing progress in addressing the vulnerabilities of small island developing States on the basis of a five-step methodology that starts with undertaking baseline studies and leads to countries developing their own vulnerability-resilience profiles.

51. In an attempt to address the vulnerabilities and development needs of small island developing States more effectively, the United Nations Conference on Trade and Development has conducted policy-focused research and analysis on resilience-building to reduce structural handicaps, enhance economic specialization, provide advisory services on issues relating to multilateral trade and the graduation of small island developing States from least developed country status, and eventually enhance the credibility of small island developing States as a platform for special consideration by development partners.

52. An online master's degree on sustainable development for small island developing States, developed jointly by members of the University Consortium of Small Island States, was launched in 2014. The collaboration was facilitated by Small Island Developing States Unit of the Department of Economic and Social Affairs, with a contribution from Spain. Building on this success, members have developed a joint research programme, which is registered on the Partnerships Platform for the third International Conference.

53. A partnership to establish a network of regional centres for renewable energy and energy efficiency in small island developing States was signed in 2014 by the Small Island Developing States Sustainable Energy Initiative, the Federal Ministry for European and International Affairs of the Republic of Austria and UNIDO. The Government of Austria has committed to fund the establishment and the first operational phase for renewable energy and energy efficiency centres in the Caribbean, the Indian Ocean and the Pacific, and to provide support to the African islands through the centre for renewable energy and energy efficiency of the Economic Community of West African States. The partnership focuses on assisting in the promotion of renewable sources of energy and energy efficiency.

54. The World Trade Organization and the Government of France co-organized a conference on sustainable tourism development in islands, held from 11 to 13 September 2013, in Réunion, France, to address competitiveness, sustainability, specific challenges and vulnerabilities and examples of relevant actions. The conference aimed to address a range of relevant issues for island destinations, from the competitiveness and sustainability perspectives, identifying specific challenges and vulnerabilities and examples of relevant actions. The conclusions from the conference are expected to serve as guidance to national tourism authorities and relevant destinations as well as to the international community as an input to the third International Conference.

55. In 2014, UNDP launched a report, entitled "Financing recovery for resilience: enhancing the coverage, capitalization and coherence of pooled financing mechanisms for recovery to strengthen synergies between humanitarian, development and climate finance", prepared by the Multi-Partner Trust Fund Office. The report emphasizes that

the three sources of funding (humanitarian, development and climate finance) are sometimes provided to fragile and conflict-affected countries independently of each other, thus reducing their effectiveness and increasing risks of financing gaps.

56. The Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States, together with the Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the Division for Ocean Affairs and Law of the Sea of the Office of Legal Affairs organized an expert group meeting on the significance of marine science and technology for small island developing States and the importance of the transfer of marine technology to small island developing States to support sustainable development", which was held in May 2014.

57. The Food and Agriculture Organization of the United Nations has supported projects in the different regions, aiming to reduce poverty and enhance food security through, for example, an initiative for livestock family farming in the Caribbean and the "Farmer Field School" experience in Saint Lucia. Another project that focused on the small island developing States of the Atlantic, Indian Ocean, Mediterranean and South China Seas region and the Pacific region sought to achieve sustainable and efficient tuna fisheries production and biodiversity conservation with an ecosystem approach.

58. In April 2014, UNEP launched its project on building capacity for coastal ecosystem-based adaptation in small island developing States. The project will assist African and Caribbean small island developing States in developing and applying innovative approaches for ecosystem-based adaptation in order to maintain the resilience of tropical coastal ecosystems to climate change, ensuring long-term ecosystem services and reduced vulnerability of coastal communities.

59. The office of UNICEF for the Pacific Island Countries has been supporting Pacific countries to ensure that in each country, there is expanded access to improved water, sanitation and hygiene facilities in rural and peri-urban communities and schools; improved policies, strategies, institutional capacity and donor coordination for water, sanitation and hygiene; expanded community-led approaches to sanitation, in order to eliminate open defecation; more support for emergency preparedness and response in the water, sanitation and hygiene sector, in line with the "Core Commitments for Children in Humanitarian Action"; and helps provide effective leadership as regional water, sanitation and hygiene cluster coordinator during emergencies, through the humanitarian team for the Pacific.

60. The University of Ghent and UNESCO provided guidance in the management of natural resources in small island developing States by convening a workshop on remote sensing, for government officials and academics from Barbados, Cuba, the Dominican Republic, Haiti, Jamaica and Trinidad and Tobago, which was held in Jamaica in 2013. This was the first phase of a new project designed to establish collaboration between Caribbean governments and universities with space agencies to promote remote sensing for environmental management.

61. The Governments of Cabo Verde and of Sao Tome and Principe, in close cooperation with UNESCO, are working to enhance education on issues relating to water, at the school level, by revising formal curricula and developing pedagogical materials and training for teachers. In this regard, Cabo Verde will also be the

beneficiary, in upcoming months, of a project that will supply safe drinking water to three schools.

62. The Economic Commission for Latin America and the Caribbean (ECLAC) has updated its directory of Caribbean experts and organizations, with a view to strengthening the Small Island Developing States Technical Assistance Programme. The programme is a mechanism designed to strengthen inter- and intraregional cooperation between small island developing States through the exchange of knowledge and the utilization of expertise.

63. On 13 June 2014, the World Bank convened a high-level dialogue on advancing sustainable development in small island developing States. The event was viewed as a preparatory event for the third International Conference. It touched on areas of interest to small island developing States, including building resilience and inclusive growth and such emerging challenges and opportunities as oceans management, sustainable energy, climate change, human and social development and macroeconomic challenges. The discussions will inform the joint side event on debt, co-organized by the World Bank with the Department of Economic and Social Affairs, to be held during the third International Conference.

## D. Intergovernmental organizations

### The Commonwealth

64. In 2013, the Commonwealth outlined its strategic plan for the period 2013-2017 and included among its objectives the strengthening of the resilience of its small States and vulnerable States, the majority of which are small island developing States. This commitment to supporting the small island developing States among its members will focus on advocating for international policies, mechanisms and rules that are more responsive to their development strategies and resilience needs. The programme of work will seek to:

(a) Develop a revised resilience index and framework that can be used by the international community to support investments and financing to build resilience in small States;

(b) Develop proposals for improved financing for development in small States, working with key international and regional organizations;

(c) Support the efforts of member States to achieve sustainable development.

65. Activities in these areas include research on building resilience in small island developing States; solutions to the debt challenges faced by those States; ocean governance; climate financing and other innovative sources of financing; trade as an engine for growth; and data challenges. The research underpins a programme of advocacy based on distilling the key messages at major international meetings and/or conferences and during conferences convened by the Commonwealth to bring together small island developing States and key development partners. These are further disseminated through various methods of communication, including publications.

**Indian Ocean Commission**

66. Phase 1 of the "Islands" project, with funding from the European Union, was completed in June 2014. The project has resulted in several concrete outcomes at the national and subregional level, which included: (a) the development of vulnerability-resilience profiles, which will eventually be highlighted through various media, including the website of the Small Island Developing States Network; (b) the setting up of a regional facility for coral reefs and associated ecosystems in the Indian Ocean region; (c) capacity-building for risk financing, adapted to the region, and the setting up of identified mechanisms; (d) strengthening the institutionalization of tools to support processes and governance for national sustainable development strategies; and (e) awareness-raising, communication and educational activities to promote sustainable development in the region. Phase 2 is to start in August 2014 and is projected to be implemented over 18 months.

# III. International Year of Small Island Developing States

67. The year 2014 was declared the International Year of Small Island Developing States by the General Assembly, in its resolution 67/206. The resolution encouraged all Member States, the United Nations system and all other stakeholders to take advantage of the Year to promote actions at all levels, including through international, regional and subregional cooperation, as appropriate, aimed at the achievement of sustainable development of small island developing States. The theme of the International Year is unprecedented, with its focus specifically on a group of Member States.

68. Many events and activities have occurred during the International Year. Those list of events highlighted in the present report is not exhaustive.

## A. International events

69. The International Year of Small Island Developing States was launched in February 2014 under the auspices of the General Assembly, prior to the first meeting of the Preparatory Committee for the third International Conference. The opening ceremony highlighted cultural performances from small island developing States in all three regions.

70. The Alliance of Small Island States has designated three champions for the International Year, representing the three regions of small island developing States, in order to help promote the Year.

71. The United Nations proclaimed 22 May as the International Day for Biological Diversity, with the aim of increasing understanding and awareness of biodiversity issues (see General Assembly resolution 55/201). The theme for 2014 was "Island Biodiversity". The theme coincided with the International Year of Small Island Developing States by highlighting the importance of biodiversity protection and sustainable livelihoods for small island developing States. The celebration of the International Day in 2014 was supported by the secretariat of the Convention on Biological Diversity and by the Global Island Partnership.

72. World Environment Day was celebrated on 5 June 2014, in collaboration with UNEP. The theme of the day was "Raise your voice, not the sea level". Events organized to mark the Day included clean-up campaigns, walk-to-work days, plastic purges, art exhibits, tree-planting drives, concerts, dance recitals, switching off lights, recycling drives, social media campaigns and different contests on a global scale, in keeping with the celebrations for the International Year of Small Island Developing States.

73. In addition to World Environment Day, World Oceans Day was celebrated on 8 June 2014. The first World Oceans Day photography contest was held and results were announced on 9 June 2014. The celebration for the year 2014 also marked the twentieth anniversary of the entry into force of the United Nations Convention on the Law of the Sea.

74. An exhibit on the International Year of Small Island Developing States will be held at the third International Conference, in Apia, and will feature exhibitions of photographs of UNESCO World Heritage sites found in small island developing States and artistic display of stamps from all small island developing States, among other displays.

## B. Regional events

### Caribbean launch

75. The International Year of Small Island Developing States was launched at the Caribbean regional level on 24 April 2014, in Kingston, at the initiative of ECLAC, in a ceremony that was co-hosted by UNDP and the Government of Jamaica. The launch featured performances by dance troupes, drummers and the steel pan ensemble of the University of the West Indies, as well as poetry reading. The launch was a celebration of the achievements of the small island developing States in the Caribbean and showcased the cultural talents of their inhabitants.

### Fifth Melanesian Festival of Arts and Culture

76. As a contribution to the celebrations of the International Year, the secretariat of the Melanesian Spearhead Group organized a series of events, held from 30 June to 3 July 2014, in Port Moresby. The events formed part of the fifth Melanesian Festival of Arts and Culture, on the theme of celebrating cultural diversity. With support from UNESCO, the Pacific Islands Museum Association organized a workshop for Melanesian museums, on the topic of fight against the illicit trafficking of cultural objects, which was held on 7 and 8 July 2014 at the National Museum and Art Gallery of Papua New Guinea, in Port Moresby.

## C. National and local events

77. On 28 April 2014, Sao Tome and Principe hosted a workshop on strengthening water education at the school level, organized by UNESCO, while Singapore supported "Eco Action Day" on 5 June, to coincide with World Environment Day.

78. In Seychelles, those taking part in the fourth international carnival of Victoria, held on 21 April 2014, were dressed in the national or traditional costumes of each small island developing State. Different network groups for small island developing

States, such as the Caribbean Community Climate Change Centre, Small Island Developing States Sustainable Energy Initiative, the Indian Ocean Commission and the Secretariat of the Pacific Regional Environment Programme supported the event through information-sharing and creating channels of communication among small island developing States.

79. In Barbados, the celebration of the International Year was the focus of the country's annual celebrations of Environment Month in June and was designed to bring issues concerning the oceans and land degradation into focus. The event prompted discussions towards promoting sustainable development in education and streamlining sustainable development into the school curriculum, particularly at the secondary level.

# IV. Preparations for the third International Conference on Small Island Developing States

## A. Work of the Preparatory Committee

80. The main activity of the General Assembly, at its sixty-eighth session, with respect to the implementation of the sustainable development of small island developing States, has been the preparations for the third International Conference. The Conference is important for both small island developing States and the United Nations, as it will seek a renewed political commitment to address the special needs and vulnerabilities of small island developing States. It is expected to result in a concise, focused, forward-looking and action-oriented document and serve as a forum to build on existing successful partnerships and launch innovative and concrete new partnerships.

81. The General Assembly, in its resolution 68/238, called for the establishment of the Bureau of the Preparatory Committee for the Conference. It also decided that there would be two meetings of the Preparatory Committee and one intersessional meeting to prepare for the Conference.

82. The main tasks of the Preparatory Committee were:

(a) To discuss the objectives and substantive theme of the Conference and organizational and procedural matters, including the rules of procedure, and to elect the members of the Bureau;

(b) To finalize the preparatory work for the Conference, including the outcome document;

(c) To discuss the thematic areas of the outcome document of the Conference.

83. The Preparatory Committee held discussions on (a) accreditation of non-governmental organizations; (b) the rules of procedure for the Conference; (c) the multi-stakeholder partnership dialogues; (d) side events and pre-conference activities; and (e) the outcome document.

**Partnerships**

84. The multi-stakeholder partnership dialogues at the Conference are to be clustered into six thematic areas, namely, sustainable economic development; climate change and disaster risk management; social development in small island developing States, health and non-communicable diseases, youth and women; sustainable energy; oceans, seas and biodiversity, both marine and on land; and water and sanitation, food security and waste management. It was agreed that the dialogues would run in parallel to the plenary at the Conference.

85. It was also agreed that "smart" criteria would be used for selecting partnerships for the multi-stakeholder partnerships dialogues. Smart criteria in this context are defined as: specific to small island developing States; measurable and monitorable; achievable and accountable; resource-based and results-focused; with timelines for implementation and transparency by all parties.

**Side events**

86. With respect to side events, over 100 requests for side events had been received as at 1 July 2014. Several pre-conference activities were planned including a youth forum, a major groups forum, a renewable energy event and a private sector forum.

**Outcome document**

87. The Preparatory Committee also negotiated the draft outcome document, entitled "Small Island Developing States Accelerated Modalities of Action (Samoa Pathway)" (see A/CONF.223/3, annex). The document addresses the following issues:

(a) Sustained and sustainable, inclusive and equitable economic growth with decent work for all

(i) Development models in small island developing States for the implementation of sustainable development and poverty eradication

(ii) Sustainable tourism

(b) Climate change

(c) Sustainable energy

(d) Disaster risk reduction

(e) Oceans and seas

(f) Food security and nutrition

(g) Water and sanitation

(h) Sustainable transportation

(i) Sustainable consumption and production

(j) Management of chemicals and waste, including hazardous waste

(k) Health and non-communicable diseases

(l) Gender equality and women's empowerment

(m) Social development

(i) Culture and sport

(ii) Promoting peaceful societies and safe communities

(iii) Education

(n) Biodiversity

(i) Desertification, land degradation and drought

(ii) Forests

(o) Invasive alien species

(p) Means of implementation, including partnerships

(i) Partnerships

(ii) Financing

(iii) Trade

(iv) Capacity-building

(v) Technology

(vi) Data and statistics

(vii) Institutional support for small island developing States

(q) Priorities of the small island developing States for the post-2015 development agenda

(r) Monitoring and accountability

## B. Pre-conference activities

**Renewable energy forum**

88. With energy costs and dependence on imported fossil fuels acknowledged as challenges for small island developing States, the renewable energy forum will take place with the objective of identifying strategies to transform island energy sectors through partnerships.

**Private sector partnerships forum**

89. It is envisaged that the private sector partnerships forum, to be convened in Apia, will provide a platform upon which genuine and durable partnerships to support the sustainable development of small island developing States can be announced, particularly in relation to six thematic areas and sectors. The forum will also facilitate interaction between senior leaders from business and government, in order to enhance private sector partnerships for small island developing States and facilitate the sharing of information and best practices within those States regarding policies, programmes and practices geared towards strengthening business and industry in the pursuit of sustainable development.

90. The expected outcomes of the forum include: rejuvenating commitments and enhancing partnerships of national and regional private sector stakeholders in the small island developing States, Governments and the international community in

order to enhance the private sector's contribution to sustainable development for those States; the identification of the priority concrete actions for the private sector in those States, including partnerships to be announced at the third International Conference; interaction between senior business leaders (national and international) and leaders of small island developing States regarding the way forward to enhance the role of the private sector in those States and fostering private sector partnerships; and discussions on the establishment of a global business leaders network in that regard.

## C. Role of the major groups

91. Small islands developing States are well represented among the major groups and other stakeholders. These organizations have been engaged in the field on issues concerning water, biodiversity, climate change and communicable diseases, to name but a few, for many years, in an effort to protect the small island developing States from the vulnerabilities they face and find ways to integrate sustainable development processes into governmental and non-governmental practices. Understanding the critical role of major groups and other stakeholders in the region, the Department of Economic and Social Affairs made a particular effort to ensure that the Conference would be an opportunity to engage on such issues at an international level.

92. In order to support the inclusion of civil society in these intergovernmental processes, the major groups and other stakeholders programme created a steering committee, which would not only uphold the principles of self-organization, transparency and accountability, but share their regional expertise so as to ensure that all the activities planned would be relevant and would enable them to participate to the extent possible. The steering committee was comprised of representatives from the nine major groups, as well as two representatives from each of the three small island developing State regions.

93. The steering committee is tasked with the following:

(a) Providing guidance in the organization of the major groups and other stakeholders pre-Conference forum, including nomination of speakers and plan of work;

(b) Facilitating outreach in each of the small island developing State regions, in addition to all nine major group constituencies;

(c) Facilitating engagement in the preparatory meetings and the Conference;

(d) Helping to facilitate joint advocacy and development of positions.

94. A major groups and other stakeholders pre-conference forum will be held on 29 August 2014 and will serve as a capacity-building forum, welcome new regional participants to the process and also enable experienced civil society leaders to share their experiences and share knowledge. The steering committee's work, particularly in the agenda-setting process for the pre-conference forum, has focused much attention on the partnerships, and major groups are also engaged with other pre-conference activities.

# V. Situating small island developing States in the broader sustainable development landscape

95. At the sixty-ninth session of the General Assembly, Member States will focus on the initial implementation of the outcome of the third International Conference, while preparing for the post-2015 development agenda.

96. At its sixty-eighth session, the General Assembly considered many issues of relevance to the preparations for the third International Conference and the further implementation of the Programme of Action for the Sustainable Development of Small Island Developing States. In addition, the Open Working Group of the General Assembly on the Sustainable Development Goals agreed on a proposal for sustainable development goals, which included several goals and targets for which Member States from among the small island developing States had strongly advocated, and the meeting of the high-level political forum on sustainable development convened under the auspices of the Economic and Social Council provided small island developing States with a forum for discussion on issues of critical importance. Upon successfully concluding its deliberations on 19 July 2014, the Open Working Group agreed by acclamation to submit its report to the General Assembly at its sixty-eighth session, for consideration and appropriate action.

97. Those activities, which were mandated by the outcome of the United Nations Conference on Sustainable Development, have allowed for considerable attention to the sustainable development challenges of small island developing States and discussion on strategies to address those challenges.

## A. High-level political forum on sustainable development

98. In relation to bringing the issues of concern to small island developing States into the wider sustainable development debate of the international community, the resolution of the General Assembly on the format and organizational aspects of the high-level political forum on sustainable development (resolution 67/290) identifies the sustainable development challenges facing the world's most vulnerable countries as a priority for the forum. The resolution stipulates that "the meetings of the forum shall devote adequate time to the discussion of the sustainable development challenges facing developing countries, including the most vulnerable countries, in particular the least developed countries, small island developing States, landlocked developing countries and African countries, with the aim of enhancing engagement and implementing commitments".

99. Pursuant to those provisions of the resolution, the high-level political forum convened under the auspices of the Economic and Social Council, held a special session on small island developing States during its 2014 meeting. The overall theme of the meeting was "Achieving the Millennium Development Goals and charting the way for an ambitious post-2015 development agenda, including the sustainable development goals". The segment on the small island developing States had as its theme "Island voices, global choices: promoting genuine and durable partnerships".

100. The discussion focused on the resilience of small island developing States and addressing their unique challenges in the post-2015 development agenda, the role of genuine and durable partnerships in the sustainable development of those States, the

implementation of the outcome of the third International Conference, and the support of the United Nations system to small island developing States. Delegates included the Minister of Finance of Cabo Verde, the special envoy of the Prime Minister of New Zealand and representatives from the International Union for the Conservation of Nature and Natural Resources (IUCN) and the University Consortium of Small Island States, and respondents included the Government of Samoa and a representative of the major groups.

101. The discussion within the high-level political forum on issues relating to small island developing States helped to bring those issues into the wider sustainable development discussion and to pave the way for the preparations of the third International Conference and the consideration of such issues within the broader discourse on the post-2015 development agenda.

## B. Small island developing States and the sustainable development goals

102. Issues of concern to small island developing States were also being considered within the wider discussion on sustainable development goals. It was understood that, while the sustainable development goals would address the concerns of all States in the international community, the special case of small island developing States would also have to be considered.

103. The nexus of climate, land, energy, water and development was one area in which the needs and concerns of small island developing States were expressed. It was noted that, in some small island developing States, the impact of a changing climate had already become a reality, with respect to land, energy, and water in particular.

104. The case study on Mauritius in the prototype of a global sustainable development report helped to highlight the challenges that small island developing States face, as well as the opportunities that are available through an integrated approach to sustainable development. The study also showed how the reality for small island developing States could become a global reality.[5]

105. While all sustainable development goals were of high importance to small island developing States, the goals addressing climate change and oceans, seas and marine resources, had been viewed as essential issues for many small island developing States. The fact that the sustainable development goal process addressed the concerns of those States reflects a global consideration for the implementation of the Barbados Programme of Action, the Mauritius Strategy and the outcome of the third International Conference within the post-2015 development agenda.

[5] For more information, see the report of the Secretary-General on the options for the scope and methodology for a global sustainable development report (E/2014/87) and the prototype global sustainable development report, which is available from http://sustainabledevelopment.un.org/index.php?menu=1621.

# VI. Conclusion

106. The sustainable development of small island developing States remains an important consideration for the international community and the United Nations system. The United Nations Conference on Sustainable Development reaffirmed the special case of small island developing States, and the preparatory process for the third International Conference has highlighted many of the challenges that are faced by these countries. However, those States also have the opportunity to address these challenges and pursue sustainable development in the post-2015 development agenda. The third International Conference and its outcome will facilitate that process.

107. The draft outcome document of the third International Conference sets out actions to be pursued by both Member States and the United Nations system during the sixty-ninth session of the General Assembly, which could contribute to the implementation of the outcome of the Conference. The deliberations at the sixty-ninth session and those on the post-2015 development agenda have the potential to become important opportunities for addressing the priorities of small island developing States, as they transition towards a more sustainable future.

108. A more comprehensive strategy towards the sustainable development of small island developing States, through genuine and durable partnership, will be considered within the context of the implementation of the outcome of the third International Conference on Small Island Developing States.

# I. Entrepreneurship in the post-2015 development agenda

1. At the United Nations Conference on Sustainable Development, held in Rio de Janeiro, Brazil, in June 2012, world leaders reaffirmed their commitment to sustainable development in three interconnected dimensions: economic, social and environmental. They agreed to build on the achievements of the Millennium Development Goals by developing a set of sustainable development goals that would be global in nature and universally applicable, but adapted to national circumstances.

2. In its resolution 67/202 the General Assembly, recognizing the important contribution that entrepreneurship can make to sustainable development by creating jobs, driving economic growth and innovation, improving social conditions and addressing environmental challenges, and stressing the importance of giving appropriate consideration to the promotion of entrepreneurship in the post-2015 development agenda, emphasized the need for improved regulatory environments and policy initiatives that promoted entrepreneurship and fostered small and medium-sized enterprises; encouraged Governments to take a coordinated and inclusive approach to promoting entrepreneurship; emphasized the need for partnership with the private sector; and invited Member States to strengthen entrepreneurship-promotion initiatives in six priority areas. It further encouraged countries to consider establishing or strengthening national centres of excellence in entrepreneurship, and called upon the United Nations system to recognize entrepreneurship and integrate its various forms into their policies, programmes and reports and to support national efforts in that regard, as appropriate.

3. Entrepreneurship formed an integral part of the discussions at the Open Working Group on Sustainable Development Goals established in 2013 further to General Assembly decision 67/555. It was explicitly reflected in the proposals that the Open Working Group agreed on by acclamation at its thirteenth session in July 2014, to be forwarded to the General Assembly for consideration and appropriate action. Under goal 4 on education, target 4.4 calls for an increase by x% in the number of youth and adults who have relevant skills, including technical and vocational skills, for employment, decent jobs and entrepreneurship, by 2030. Under goal 8 on promoting economic growth, target 8.3 calls for promoting development-oriented policies that support productive activities, decent job creation, entrepreneurship, creativity and innovation and encourage formalization and growth of micro, small and medium-sized enterprises, including through access to financial services Different elements of entrepreneurship can also be found in a variety of other targets proposed by the Open Working Group.[1]

4. As the international community works towards formulating the post-2015 development agenda, Member States have recognized that the promotion of entrepreneurship through small and medium-sized enterprises can support the achievement of sustainable development goals. The United Nations Conference on Trade and Development (UNCTAD) has prepared this report in consultation with the Department of Economic and Social Affairs and other relevant United Nations agencies and stakeholders to review the implementation of the resolution by taking

[1] For information about the Working Group, including its documentation, see http://sustainabledevelopment.un.org/owg.html.

stock of recent trends and policy issues on the basis of the identified priority areas for entrepreneurship promotion.[2]

## II. The role of entrepreneurship in addressing sustainable development challenges

5. Entrepreneurship has a critical role to play in sustainable development and poverty eradication. It has the potential to stimulate economic growth through job creation; help formalize businesses; create opportunities for and thereby empower disadvantaged groups such as youth and women; and strengthen local productive capacity by developing linkages with transnational corporations and thereby indirectly maximize the impact of foreign investment. It also has the potential to contribute to social development by promoting social and environmental entrepreneurship and gender equality.

6. Entrepreneurship can also have a significant impact on job creation. According to International Labour Organization (ILO) projections, 500 million new jobs will need to be created by 2020 in order to provide full employment. Developing countries will require more than 90 per cent of these jobs, presenting an unprecedented challenge for countries.[3]

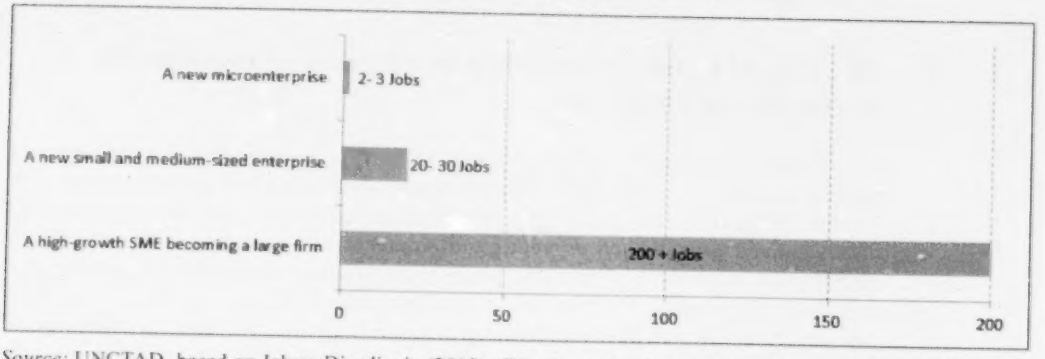
7. Small and medium-sized enterprises play an important role in job creation. These enterprises create two thirds of all formal jobs in developing countries.[4] In low-income countries, the share of jobs created by small and medium-sized enterprises is even higher (80 per cent). Developing countries, however, lack high-growth, medium-sized enterprises — "gazelles" — which outperform other firms both in productivity and in creating employment. Technology hubs, incubators and science parks have been established in many countries as a way to boost the creation of high-growth firms.

[2] Peer review meetings took place with United Nations agencies and experts at a global summit of entrepreneurial educators, held in Swansea, United Kingdom of Great Britain and Northern Ireland, in June 2014.

[3] ILO, *Global Employment Trends 2014: Risk of a Jobless Recovery?* (Geneva, 2014).

[4] German Federal Ministry for Economic Cooperation and Development and ILO, *Is Small Still Beautiful?: Literature Review of Recent Empirical Evidence on the Contribution of SMEs to Employment Creation* (Eschborn, Germany, German Agency for International Cooperation, 2013).

Figure 1
**Average job creation of firms by size in developing countries**




*Source*: UNCTAD, based on Jelena Djordjevic (2012) "Why becoming large matters: how scalable, high-growth entrepreneurs can help solve the jobs crisis", Endeavor Insight, 2012.

8. Informal enterprises can be a way out of poverty. However, they may have negative implications for sustainable development. Not only do they pose challenges for tax collection, thereby severely limiting the potential for economic growth, but informal enterprises also have wider social implications as informal entrepreneurs lack property ownership rights and safety nets such as labour rights, health and safety rules and insurance.[5]

9. The potential of a business to create jobs is determined by the type of entrepreneurs that predominate in the economy, i.e., whether they are "necessity-driven" (are drawn to entrepreneurship to escape unemployment) or "opportunity-driven" (become entrepreneurs to meet existing needs in the economy).[6] Opportunity-driven firms generate more sales per worker and have the potential to create stable, sustainable jobs compared with necessity-driven businesses. Opportunity-driven entrepreneurship can improve young people's career prospects and financial independence. There is a large untapped potential for the creation of formal and decent jobs by transforming necessity-driven entrepreneurs into opportunity-driven entrepreneurs. Some youth entrepreneurship initiatives, selected from the UNCTAD database, are listed in box 1.

Box 1
**Global youth entrepreneurship initiatives**

In countries where the workforce is very young, the formal labour market may not provide opportunities for all. Governments have taken steps to promote and stimulate youth entrepreneurship by introducing experiential learning in national education curricula, by promoting networking and mentoring and by encouraging information exchange and peer learning (see, for example, www.erasmus-entreprensurs.eu). Below are some examples of global youth entrepreneurship initiatives:

[5] ILO, "Transitioning from the informal to the formal economy", report V (1), International Labour Conference, 103rd session, 2014.

[6] See Global Entrepreneurship Monitor at www.gemconsortium.org.

- The Kauffman Foundation Global Entrepreneurship Week, which operates in 140 countries, is designed to help young people to explore their potential as self-starters and innovators.
- Youth Business International is a global network of non-profit initiatives operating in over 40 countries that helps young people to start and grow their businesses. In 2013, its members helped 14,406 young people to start businesses and trained 200,000 young people.
- Child and Youth Finance International aims to empower youth around the world by increasing their financial capability and improving their access to appropriate financial services. In 2013, more than 3 million young people in 118 countries participated in Global Money Week.
- Junior Achievement is the world's largest non-profit youth organization dedicated to educating students about workforce readiness, entrepreneurship and financial literacy. Through its network of 382,637 volunteers, in 2013, Junior Achievement taught 403,849 classes to 9,866,143 students around the world.
- The United Nations Inter-Agency Network on Youth Development aims to increase the Organization's effectiveness in youth development by strengthening collaboration and exchange among all relevant United Nations entities.
- The United Nations Industrial Development Organization (UNIDO) Productive Work for Youth programme assists young entrepreneurs in analysing markets and value chains with high potential.
- The ILO Youth Employment Network brokers partnerships among development agencies, Governments, the private sector, youth groups and non-governmental organizations with a view to improving employment opportunities for young people. It has trained over 1,500 youth representatives as advocates on youth employment.
- UNCTAD, in collaboration with the Commonwealth, is developing a guiding framework for youth entrepreneurship that aims to support policy makers in designing entrepreneurship policies and programmes for youth.

10. Social enterprises and cooperatives pursue economic viability and social goals and have the potential to address sustainable development objectives by reducing inequality, enhancing social cohesion and tackling environmental challenges while remaining financially sustainable.[7] Governments have taken steps to facilitate social and environmental entrepreneurship. Policy measures taken in response to this trend include formally recognizing social enterprises by conferring legal status on these entities.

[7] See United Nations Research Institute for Social Development (UNRISD), "Social and solidarity economy and the challenge of sustainable development", position paper by the United Nations Inter-Agency Task Force on Social and Solidarity Economy, June 2014.

11. Gender equality is central to sustainable development. Governments are increasingly mainstreaming women's entrepreneurship into sustainable development strategies as a way to ensure social equity and because it makes good economic sense.[8] According to the World Bank, addressing barriers that women entrepreneurs face could yield significant economic benefits, possibly adding as much as 1-2 percentage points to annual gross domestic product (GDP) growth in many countries.[9] Some United Nations initiatives on women's entrepreneurship, selected from the UNCTAD database, are presented in box 2.

Box 2

**United Nations initiatives to promote women's entrepreneurship**

United Nations system initiatives to promote women's entrepreneurship include:

- The United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) has developed a global knowledge portal on women's economic empowerment (www.empowerwomen.org) that is also designed to strengthen the competitiveness of women entrepreneurs.
- The ILO Women's Entrepreneurship Development programme supports women to start, formalize and grow their enterprises and by mainstreaming gender equality issues into the work of ILO.
- The International Trade Centre (ITC) Global Platform for Action on Sourcing from Women Vendors aims to increase the share of corporate, government and institutional procurement secured by women vendors by linking them to international networks.
- The United Nations Development Programme (UNDP) office in Kenya conducts an Inclusive Economic Growth programme that trains women entrepreneurs in entrepreneurship, production and managerial skills while its Women in Business and Investment initiative offers microfinance.
- UNCTAD recognizes women entrepreneurs from the Empretec network every two years through its Women in Business Award. UNCTAD also empowers women entrepreneurs through the use of information and communications technologies and by mainstreaming gender in trade and investment policies.
- The UNIDO programmes to support capacity-building for sustainable industrial development support the development of women's entrepreneurship in the food-processing, textile, fish-processing and handicraft sectors.

[8] Linda Mayoux, "Gender mainstreaming in value chain development: experience with gender action learning systems in Uganda", *Enterprise Development and Microfinance*, vol. 23, No. 4 (2012).

[9] See the World Bank women, business and the law website (http://wbl.worldbank.org).

12. Entrepreneurship and the development of small and medium-sized enterprises provide much-needed absorptive capacity for investment and are critical to achieving sustainable development. Mobilizing investment for sustainable development remains a major challenge for many developing countries, particularly least developed countries. Given the consistent gaps in development financing in these countries, foreign investment can complement domestic investment. The UNCTAD Investment Policy Framework for Sustainable Development provides guidance to policy makers on how to tailor investment policies to achieve outcomes that foster sustainable development and inclusive growth.

## III. Initiatives that contribute to entrepreneurship for development

13. Entrepreneurship is already a prominent feature of Governments' policy agendas. However, policy formulation is a complex undertaking that often lacks consistency and is subject to frequent changes over short periods of time. Research and policy analysis by UNCTAD has shown that entrepreneurship policies often overlook some of the relevant policy areas that have an impact on entrepreneurship, underestimating the effect of a bottleneck in one area on all other areas.

14. It is important to formulate entrepreneurship policies that are in line with a country's overall economic strategies and development objectives. Many policies, including macroeconomic, social and labour policies, have an impact on entrepreneurship and small and medium-sized enterprises although they may not specifically focus on them. It is important to identify measures within existing policies that have an impact on the promotion of entrepreneurship with the aim of achieving policy coherence and consistency.

15. A "whole of government" approach with strong commitment at the ministerial level and coordination across ministries, in partnership with the private sector and other civil society stakeholders, including academia, non-governmental organizations and community organizations, is desirable. Business associations and public institutions serving small and medium-sized enterprises (such as trade or investment support institutions) play an important role in this approach as they make it possible for entrepreneurs to speak and act collectively.

16. UNCTAD has developed the Entrepreneurship Policy Framework and Implementation Guidance with the overarching goal of contributing to inclusive and sustainable development in developing countries and economies in transition (see box 3 below). Sustainable development is embedded in each of the areas of the framework. UNCTAD has identified six priority areas: (a) formulating a national entrepreneurship strategy; (b) optimizing the regulatory environment; (c) enhancing entrepreneurship education and skills development; (d) facilitating technology exchange and innovation; (e) improving access to finance; and (f) promoting awareness and networking.

17. The following section describes some initiatives that have been undertaken towards the implementation of resolution 67/202 by area, providing examples of good practice. A detailed case study illustrating many of these initiatives is available from www.unctad.org/epf.

## A. Formulating a national entrepreneurship strategy

18. National entrepreneurship strategies need to be tailored to each country's specific conditions. It is therefore important to clarify how entrepreneurship is expected to contribute to overall national development objectives and where policies should intervene to achieve those objectives. Which policy package is the most appropriate depends on the existing level of entrepreneurship in a given country, its structural characteristics and its sustainable development objectives.

19. The level of need for public support depends on the types of entrepreneurship prevalent in a country. In developing countries, the private sector is often highly segmented, with a large informal sector. Different strategies are needed for enterprises at the high and low ends of the spectrum. At the high end, it may be necessary to encourage start-ups that explore business concepts and markets that are new to the country, thereby increasing the range of business options for other investors. At the low end, new business opportunities need to be explored that are accessible to the poor and unskilled workforce. Special entrepreneurship programmes for youth and women's employment and for rural areas may be of strategic importance.

20. Entrepreneurship policy guidelines and strategies have been developed to improve policy formulation. Several countries have seen initiatives at the provincial, state, municipal and city levels. At the regional level, countries have pursued common initiatives to develop cross-border economic zones that nurture networks of entrepreneurs. Following is an illustrative list of entrepreneurship policies that have been undertaken at the regional, national and subnational/local levels:

- Regional
  - European Union Entrepreneurship 2020 Action Plan
  - Central American Integration System (SICA) Entrepreneurship Strategy "SICA Emprende", 2014
  - African Development Bank Group Strategy on African entrepreneurship as a pillar of private sector development, 2013-2022
  - Association of Southeast Asian Nations (ASEAN) Policy Blueprint for development of small and medium-sized enterprises, 2010-2014 (includes a chapter on entrepreneurship)
- National
  - Dominican Republic — National Entrepreneurship Strategy, 2014
  - South Africa — Youth Enterprise Development Strategy, 2013
  - Spain — Law to Support Entrepreneurs and their Internationalization, 2013
  - United Kingdom of Great Britain and Northern Ireland (Wales) — Youth Entrepreneurship Strategy, 2010-2015
  - Costa Rica — National Entrepreneurship Policy Costa Rica Emprende, 2010-2014

- Colombia — National Entrepreneurship Policy and National Strategy for Entrepreneurship, 2009

• Subnational/Local

- Region of Murcia (Spain) Entrepreneurial Action Plan and Municipio Emprendedor (Entrepreneurial Municipality) initiative, 2014
- City of Medellin (Colombia) Strategic Plan for Entrepreneurship in the Region of Antioquia
- Western Switzerland Plan for Innovation and Entrepreneurship, 2012
- Quebec (Canada) Entrepreneurship Strategy, 2011
- City of Johannesburg (South Africa) Young Entrepreneurship Policy and Strategy Framework, 2009

21. A coordinated and inclusive approach to promoting entrepreneurship should involve all stakeholders from the outset of the policy development process. Some Governments have initiated policy dialogue with non-governmental organizations, the private sector and development agencies, including the United Nations, thus ensuring the representation of all interests, including those of microenterprises and small and medium-sized enterprises. In an effort to strengthen their local productive capacities and to seize the opportunities that increased trade liberalization and globalization offer, several countries, including Costa Rica, the Dominican Republic, Nigeria and Singapore, have adopted a holistic approach to entrepreneurship policy development. This has resulted in a coherent policy approach that interlocked different areas of private sector development, including industrial policy, investment promotion, trade facilitation, export promotion, small and medium-sized enterprise promotion as well as fiscal policy. To give impetus to implementation, they have established entrepreneurship development centres to support entrepreneurs through events, information and guidance, sometimes linked to small and medium-sized enterprise development and/or investment promotion.

22. Examples of programmes to support entrepreneurship include:

• **Ecosystem development**. The Entrepreneurship Ecosystem Project at Babson College in Boston provides support to set up comprehensive ecosystems that link private sector-led initiatives to local development. The project assisted the city of Manizales, Colombia, with its economic development.

• **High-growth enterprise development**. Endeavor identifies high-growth and -impact entrepreneurs in emerging markets and develops capacity-building and policy instruments to support them. Endeavor established the Observatory for Entrepreneurship in Brazil, benchmarking entrepreneurial cities.

• **The start-up movement**. The Ewing Marion Kauffman Foundation for Entrepreneurship encourages entrepreneurship policy reforms in the United States and in other countries. It also assists countries to review their entrepreneurship policy. For example, the Foundation assisted India through its Entrepreneurship Policy Digest.

• **UNCTAD Entrepreneurship Policy Framework and Implementation Guidance** (box 3).

Box 3

**Implementation of the UNCTAD Entrepreneurship Policy Framework in selected countries**

Since its launch in April 2012, UNCTAD has assisted the following countries:

**Brazil**. The Federal Government, with the support of Endeavor Brazil and the Brazilian Support Service for Micro and Small Enterprises, developed 11 areas for intervention. A draft national public policy based in part on the UNCTAD Entrepreneurship Policy Framework is under review.

**Ghana**. The Government of Ghana, with support from UNCTAD, is developing a policy on entrepreneurship and small and medium-sized enterprises. Feedback from lessons learned is being incorporated.

**Ecuador**. The Alliance for Entrepreneurship and Innovation, a public-private partnership, is leading the development of Ecuador's entrepreneurship strategy. The Office of the Vice-President and the Commission for Economic Development are supporting the initiative. UNCTAD has provided technical inputs.

**Nigeria**. The Government of Nigeria revised its national policy on small and medium-sized enterprises and its entrepreneurship strategy following a review process led by the Federal Ministry of Trade and Investment. The policy reflects recommendations made by UNCTAD.

**Panama**. The Entrepreneurship Policy Forum, organized by UNCTAD in collaboration with the Latin American Development Bank, Ciudad del Saber and Empretec Panama in May 2012, resulted in 11 recommendations for entrepreneurship policy covering three key areas.

**Zimbabwe**. Stakeholders called upon the Ministry of Economic Planning and Investment Promotion to champion the development of entrepreneurship policy with the assistance of UNCTAD and Empretec Zimbabwe and support from funding partners.

23. Examples of regional and local development policies include the following:

- The European Union Small Business Act for Europe introduced the Think Small First principle in policymaking and the Entrepreneurship 2020 Action Plan to promote small and medium-sized enterprise growth. The Act triggered public procurement changes in favour of small and medium-sized enterprises and sustainable development principles, and fostered regional networks such as the South-East European Centre for Entrepreneurial Learning.
- The Organization for Economic Cooperation and Development (OECD) programme Local Economic and Employment Development aims to contribute to the creation of more and better jobs through effective policy design and

implementation and integrated strategies at the local level. OECD also carries out policy reviews and assists member countries in policy implementation.

- The United Nations Inter-Agency Task Force on Social and Solidarity Economy has developed key principles to promote an enabling institutional and policy environment for cooperatives and other forms of social enterprise.

24. Adopting a holistic approach requires the involvement of many actors in different sectors. Establishing a monitoring and coordination mechanism while ensuring internal coherence is one of the greatest challenges that policy makers face. The former Minister of Trade and Industry of Ghana, in a statement to the UNCTAD Investment, Enterprise and Development Commission in 2014, noted that the "success of an entrepreneurship and small and medium-sized enterprises policy will depend on [whether] it is implemented in a coordinated manner and aligned with the country's development agenda". At the same forum, the President of the National Assembly of Ecuador reiterated that "initiatives to foster entrepreneurship and innovation require a coordinated and co-responsible relationship between the private and public sectors".

25. The final step in the implementation of entrepreneurship policies is the development of indicators that can be used to evaluate the success of the policies put in place and to measure performance in the achievement of the various policy objectives. Several regional and international organizations have developed comparable indicators. However, their implementation and impact still need improvement.[10]

## B. Optimizing the regulatory environment

26. The unleashing of entrepreneurship requires an environment that enables the entrepreneur to create, operate, manage and, if necessary, close a business in an environment where compliance with governance disclosure laws, licensing and registration procedures and the protection of physical and intellectual property are guaranteed. The regulatory environment should enable individuals to set up their own business, try new business ideas and take calculated risks. And it should keep administrative burdens to the minimum required to support public policy and sustainable development objectives.

27. In recent times, Governments have put a lot of emphasis on business environment reforms. In 2011/12, 108 economies implemented 201 regulatory reforms, making it easier to do business. Reforms undertaken by countries globally facilitated starting a new business, increasing the efficiency of tax administration and enhancing trade across borders. Of those reforms, 44 per cent focused on these three policy areas alone.[11] Democratic political institutions, transparent and accountable public and private entities, effective anti-corruption measures and good practice in corporate governance are all essential elements in optimizing the regulatory environment.

[10] See OECD, *Measuring Entrepreneurship: A Digest of Indicators* (Paris, 2008).

[11] World Bank, *Doing Business 2014: Understanding Regulations for Small and Medium-Size Enterprises*, 11th ed. (Washington, D.C., 2013).

28. Special support measures for start-ups in general and for social entrepreneurs in particular range from reduced fiscal pressures to administrative facilitation and incentives aimed at promoting activities with particular social utility. For example, in Poland social cooperatives have a special status and enjoy fiscal incentives. Other countries, including Italy and the United States, offer fiscal incentives to all start-ups. Another area of attention is the incorporation of these enterprises into the formal sector. To ease formalization, the monotax was created in Argentina to replace the value added tax for micro-businesses. Since its creation the number of registered taxpayers has increased.[12] In Colombia, Law No. 1429 on formalization and generation of employment offered incentives to start-ups.

29. The strengthening and further development of regulatory frameworks can play an important role in improving corporate social responsibility. Compliance with existing laws and regulations is a core component of corporate social responsibility but, in addition, a number of voluntary initiatives can be scaled up in the next generation of regulatory frameworks.

30. Small and medium-sized enterprises in global value chains of large transnational corporations are expected to meet the expectations of their clients in terms of corporate social responsibility, and this may involve inspections and corrective actions.[13] Failure to meet these expectations may lead to the exclusion of small and medium-sized enterprises from international supply chains. Regulatory frameworks can therefore be usefully complemented by capacity-building programmes to promote regulatory compliance and good practice among small and medium-sized enterprises.

31. Small and medium-sized enterprises operate in an increasingly integrated world and are consequently not only affected by the national regulatory environment but also by multilateral and international agreements. Trade plays an important role in enhancing the capacity of enterprises and in offering them new markets to expand and grow. In this regard, a universal, rules-based, open, non-discriminatory and equitable multilateral trading system is critical.

32. Small and medium-sized enterprises may not benefit from international trade if constraints are not removed. It was pointed out at the Ninth World Trade Organization (WTO) Ministerial Conference, held in Bali, Indonesia, in 2013, that red tape and weaknesses in customs and transport pose a more formidable barrier to trade than tariffs. The Trade Facilitation Agreement reached in Bali contains measures to enhance assistance and support for capacity-building in developing countries to address this problem. Special programmes have been devised to address the needs of women, youth and micro-entrepreneurs in rural areas. For example, UNCTAD has developed a programme to assess the gender impact of trade liberalization in selected countries and provide technical assistance.[14]

33. Private and public institutions that act as intermediaries between small and medium-sized enterprises and regional, national and global stakeholders play an

[12] German Federal Ministry for Economic Cooperation and Development and ILO, "Enterprise formalization: fact or fiction?" (Eschborn, Germany, German Agency for International Cooperation, 2014).

[13] See UNCTAD, *Corporate Social Responsibility in Global Value Chains*, 2012.

[14] See http://unctad.org/en/Pages/DITC/Gender-and-Trade/Trade-Gender-and-Development.aspx.

important role in advocating for policy reforms. A number of international organizations work closely with stakeholders in this regard:

- The Global Forum on Reinventing Government, supported by the United Nations, works to achieve a transparent and accountable public administration in developing countries.
- UNCTAD e-regulations help developing countries and countries in transition with business facilitation through transparency, simplification and automation of rules and procedures relating to enterprise creation and operation. Since 2005, the e-regulation programme has been installed 26 countries.
- The UNIDO Competitiveness Business Environment and Upgrading Unit offers assistance and advice to Governments and enterprises on the deployment of foresight methodologies and implementation of long-term industrial development strategies.
- The ILO Enterprises Department works to create a conducive environment for sustainable enterprise by identifying policies and regulations that contribute to the creation and growth of sustainable enterprises as well as by providing technical assistance in upgrading regional and global value chains.
- The World Bank Ease of doing business index and governance indicators identify regulations that directly affect businesses, showing their impact on economic growth.
- The Donor Committee on Enterprise Development provides guidelines to help development agencies design business environment reforms in developing countries.
- The Middle East and North Africa-OECD Governance Programme aims at modernizing public governance through dialogue among policy practitioners from the region and OECD member countries.
- ITC enables national trade promotion organizations to identify their strengths and weaknesses, offering a learning platform to promote exports by small and medium-sized enterprises.
- The World Economic Forum holds a session on governance to work on the optimal regulatory environment for sustainable economic growth.

## C. Enhancing entrepreneurship education and skills development

34. Entrepreneurship education covers a broad spectrum of learning activities aimed at instilling and shaping an entrepreneurial spirit and providing the right tools to start, grow and sustain a business. The importance of high-quality education for entrepreneurship was discussed at the high-level thematic debate on entrepreneurship for development convened by the President of the sixty-seventh session of the General Assembly on 26 June 2013.

35. Entrepreneurial skills centre around attitudes (soft skills), such as persistence, networking and self-confidence, on the one hand, and enabling skills (hard skills), which include basic start-up knowledge, business planning, financial literacy and managerial skills, on the other. Effective entrepreneurship education, policies and programmes focus on developing these entrepreneurial competencies and skills,

which are transferable to and beneficial in many work contexts. The aim is not only to strengthen the capacity and desire of more individuals to start their own enterprises, but also to develop an entrepreneurial culture. According to the UNCTAD Entrepreneurship Policy Framework, in order to achieve these goals, the following policy objectives are key: (a) embedding entrepreneurship in formal and informal education; (b) developing effective entrepreneurship curricula; (c) training teachers; and (d) partnering with the private sector.

36. In most countries, entrepreneurship education is usually not a core component of the curriculum of institutions at any level. Entrepreneurship education is more effective if it is embedded in the formal educational system rather than offered through community, rural or apprentice-training programmes.[15]

37. Entrepreneurship education is also more effective if it begins in early childhood. Brazil provides an example[16] of how to integrate entrepreneurship into formal education curricula. The programme, implemented in 126 cities, reaches a total of 340,000 students at the primary and secondary levels. Mainstreaming entrepreneurship into the national education system can be coordinated by the ministry of education in collaboration with other ministries with the engagement of stakeholders, business, non-governmental organizations, foundations and international organizations. Several United Nations programmes focus on entrepreneurship education. They include:

- The ILO Know About Business programme is a training programme for trainers and teachers in vocational, secondary and higher education, designed as a 120-hour course for students between the ages of 15 and 18 years. It can also be used for higher technical education and for professionals engaged in enterprise promotion.
- The ITC Certified Trade Advisers Programme builds the capacities of trade support institutions for designing and delivering export management and direct assistance programmes to small and medium-sized enterprises.
- The UNCTAD Empretec programme, which has operated in 36 countries since 1988, offers a behavioural approach to entrepreneurship and develops local trainers and tailor-made business development services delivered by local entrepreneurship centres.
- The United Nations Educational, Scientific and Cultural Organization (UNESCO) Education for Sustainable Development initiative contributes to sustainable environmental management to improve livelihoods.
- The UNIDO Entrepreneurship Curriculum Programme has a train-the-trainers on entrepreneurship component for students in secondary and technical schools and universities.
- The United Nations Institute for Training and Research (UNITAR) designs and implements participatory training programmes on entrepreneurship for young graduates, develops specific competency frameworks, associates learning and training with development strategies and promotes intersectoral collaboration.

[15] See Alicia Coduras Martínez and others, A Global Perspective on Entrepreneurship Education and Training, Global Entrepreneurship Monitor Special Report, 2010.

[16] See http://portal.starta.com.br.

- The UNESCO Learning Cities Network mobilizes cities to promote lifelong learning. A segment of the network promotes entrepreneurial learning. To that end, the International Conference on Learning Cities was held in Beijing in 2013, bringing together representatives of over 1,000 cities. The conference adopted the Beijing Declaration on Building Learning Cities.

38. At the national level, local entities are also developing curricula that are designed to help students to develop enterprising behaviours, attributes and skills as well as entrepreneurial mindsets. In the United Kingdom, for example, the Quality Assurance Agency for Higher Education provides advice to educators on creating entrepreneurship curricula. In India, the National Institute for Entrepreneurship and Small Business Development conducts national- and international-level training programmes in different fields and disciplines.

39. A major obstacle to successful entrepreneurship education is the lack of linkages between financial and non-financial services. Experience has shown that technical training alone does not achieve optimal results unless it is combined with adequate financial services. A key factor in the success of entrepreneurship education is the effective engagement with and participation of the private sector. This will expand access to entrepreneurship education through technology and the media, thereby helping to reach larger audiences. For example, UNIDO has established partnerships with Hewlett-Packard and Microsoft. Microsoft, Cisco and Intel, three major players in the information and communications technologies sector, have designed a downloadable educational programme on entrepreneurship. Numerous global competitions on projects related to information and communications technologies are aimed at students and educational institutions. The Disney Entrepreneur Center, in collaboration with the Kauffman Foundation and Google for Entrepreneurs, provides online tools. The multinational beverage company SABMiller promotes KickStart, a programme that supports young people in Botswana to start new, or expand existing, businesses. Encouraging farming as a business is the focus of several initiatives promoted by the International Fund for Agricultural Development (IFAD), the Food and Agriculture Organization of the United Nations (FAO), UNCTAD and UNIDO. Technical and vocational education and training and "second chance" education can spur employment for marginalized groups; it can also help young people find employment in "green jobs". The UNESCO International Centre for Technical and Vocational Education and Training responds to the need to develop and strengthen such training worldwide. It also manages the Technical and Vocational Education and Training (UNEVOC) Network.

40. Another issue is development, recognition and reward mechanisms for entrepreneurial educators. The International Entrepreneurial Educators Conference 2010 Concordat included five key calls for action: integration and pathways; improved support and leadership; clarity of impact measures and associated funding priorities; improved guidance on issues of quality; and assessment, recognition and reward.

41. A number of countries have quality assurance groups and strategies to train in-service and pre-service teachers in entrepreneurship. For example:

- In the former Yugoslav Republic of Macedonia, over 3,600 teachers have been trained at all three levels of formal education.

- In Indonesia, the Ciputra Quantum Leap Entrepreneurship Centre provides coaching and mentoring to teachers.
- In the United Kingdom, Enterprise Educators uses its network to circulate knowledge among educators. The national Quality Assurance Agency has developed guidelines in collaboration with the network.

42. An assessment of capacity-building programmes offered by the United Nations system, including the UNCTAD Empretec Programme and the ILO Start and Improve Your Business Programme, indicates that training targeted at improving entrepreneurial skills, behaviours and mindsets, combined with access to finance, is very effective. For example, 12 months after training, *empretecos* created new jobs, in some cases quadrupling their workforce. According to UNCTAD, beneficiaries of business linkage programmes increased employment, turnover, contracts and customers in the United Republic of Tanzania and Zambia. Employment increased on average by 14 per cent in Tanzania and 38 per cent in Zambia.

43. For future policy action in this area, it is important that comprehensive and comparable data are developed to monitor progress, in collaboration with national, regional and local authorities that play an essential role in their communities.

## D. Facilitating technology exchange and innovation

44. Technology and innovation have the potential to address many development challenges; however, as noted in the report of the Secretary-General on the implementation of Agenda 21 (A/68/321), they have also added new problems. To varying degrees, all technologies may consume resources, use land, create toxic waste and pollute the environment. Despite national and international efforts, technology and innovation on a global scale have not delivered on set targets for eco-efficiency and pro-poor growth. The design and implementation of more inclusive and environmentally friendly innovation policies can help achieve more equitable and sustainable development, bringing the benefits of technology and innovation to the poor.

45. Projects in areas such as social housing, clean water for rural communities, waste management, health services for the poor, microfinance in low-income areas and biodiversity conservation need investors who are interested in generating social or environmental value beyond financial returns. It is important to note that innovative firms are found across all industries and sectors, not only in those typically associated with breakthrough innovation or high technology. According to the UNCTAD *World Investment Report 2014*,[17] sustainable economic development necessitates creating technological spillovers and linkages for the local economy, technology exchange and industrial upgrading, with a focus on the promotion of alternative business models, inclusive innovation and pro-poor value chains.

46. In global value chains, transnational corporations may create new pro-poor opportunities for the local suppliers, small farmers, small service providers and local vendors from whom they source. The positive impact of pro-poor value chain development is the strongest among smallholder farmers. In a rural context, interventions aimed at upgrading value chains and making them more inclusive may

[17] United Nations publication, Sales No. E.14.II.D.1.

increase productivity, income and food security.[18] The use of mobile phones is increasing among rural entrepreneurs, facilitating information and market access. Many small and medium-sized enterprises and cooperatives are engaged in renewable energy, which is associated with the development of a green economy.

47. In order to promote sustainable business growth, countries can create special business incubators for social enterprises. For example:

- The RLabs Innovation Incubator in South Africa develops social business ideas aimed at benefiting, reconstructing and empowering local communities through innovation.
- The Asian Social Enterprise Incubator in the Philippines provides comprehensive services and state of the art technology for social enterprises at the base of the pyramid.
- The Global Social Benefit Institute Accelerator programme at Santa Clara University, California, pairs selected social entrepreneurs with two Silicon Valley executive mentors to enable them to achieve scale, sustainability and impact.
- The Yunus Social Business Incubator Fund operates in several developing countries to enable local social businesses and entrepreneurs to help their own communities by providing key services.

48. To further sustainable development, green-tech clusters and technology parks have also been developed along with the "green cities" movement. Clusters can be product specific (local firms and entrepreneurs who produce inputs, for example green mobility, renewable resources, energy efficiency) or production specific (e.g., firms and entrepreneurs who produce in an environmentally and socially sustainable manner). In order for these initiatives to become more effective, however, there is a need to design intellectual property legislation and related government services in a manner that is friendly to small and medium-sized enterprises. Meeting international quality standards is a challenge for many local suppliers. Many Governments sponsor upgrading programmes, with the assistance of the donor community and United Nations agencies, to provide low-cost technical assistance for the adoption of quality practices and to facilitate ties with international buyers. Individual companies, including transnational corporations, can also play an important role in this area as part of their corporate social responsibility activities as technology transfer and diffusion is recognized as a social responsibility by the International Organization for Standardization (ISO 26000).

## E. Improving access to finance

49. The global economic and financial crisis of 2008 led to a significant tightening of credit and constrained access to finance for entrepreneurs and small and medium-sized enterprises around the world. In the immediate aftermath of the crisis, Governments reacted with emergency measures, such as the extension of far-reaching credit guarantees for lending to small and medium-sized enterprises.

[18] See Field Report No. 18: Smallholders and Inclusive Growth in Agricultural Value Chains, United States Agency for International Development and FIELD-Support, 2014.

The focus of policy makers has since shifted to kick-starting growth through venture loans to specific underserved segments of entrepreneurs, such as women [19] and youth. [20] However, access to finance is cited by entrepreneurs as their main constraint. [21] According to the International Finance Corporation (IFC), the collective unmet financing needs of entrepreneurs in developing countries amount to $2 trillion.[22] In addition, many micro-entrepreneurs also continue to lack access to formal financial services.

50. Social enterprises are typically financed by a combination of market resources, non-market resources (e.g., government subsidies and private donations) and non-monetary resources (e.g., volunteer work). However, there is a need for proactive investments for supporting business, such as "impact investment", which can have a strong social impact while at the same time ensuring financial returns on investments.

51. In response, new channels of financial services give small and medium-sized enterprises the opportunity to raise money in small amounts directly from individual small investors, including through:

- Solidarity finance
- Venture philanthropy
- Individual investment
- Quasi-equity and equity instruments
- Ethical or social capital markets
- Microcredit and micro insurance
- Mobile money
- Crowd-funding

52. Governments will need to introduce regulations for these new schemes. For example, several Governments in Africa have begun to regulate cross-border mobile money services to enable their integration and deepening. Many countries are considering crowd-funding legislation.

53. Guarantees and grants can also serve to attract investment to sustainable development. Challenge funds have emerged as effective and versatile financing mechanisms to catalyse pro-poor innovation and investment. For example, the Jobs Fund in South Africa co-finances projects pursued by public, private and civil society organizations that will significantly contribute to job creation. Government banks have also developed guarantee schemes to enable customers without a financial history or collateral to access credit. Agrofinanzas, a Mexican commercial bank initiative, is a good example.

[19] For example, the newly founded Bharatiya Mahila Bank in India and the Liya Isuru schemes in Sri Lanka.

[20] Paul Vecchiatto, "Industrial Development Corporation agency to boost South African youth entrepreneurship funding", Business Day (South Africa), 7 May 2013.

[21] See World Banks Enterprise Surveys.

[22] IFC, "Access to credit among micro, small, and medium enterprises", August 2013.

54. Many entrepreneurs in developing countries can benefit from targeted capacity-building in financial literacy and from innovative delivery mechanisms using modern banking technologies. Special attention should be given to assist innovative, high-growth firms in the areas of green technology and sustainability, which often need to attract distinct forms of financing, including equity and venture capital. UNIDO offers assistance in selecting financial schemes, including grants and revolving and guarantee funds.[23] Child and Youth Finance International works to ensure that youth are financially included and have the ability to save, including through access to child- and youth-friendly bank accounts.

55. Other high-profile initiatives are the following:

- The Finance Challenge for small and medium-sized enterprises launched by the Group of 20 (G20) provides policy guides on innovative proposals and best practice to facilitate access to finance for developing country small and medium-sized enterprises initiated by the G20 Financial Inclusion Peer Learning Program. The G20 has committed more than $500 million to support the winners of the Challenge.
- OECD is addressing the fact that there is not only a lending gap with respect to small and medium-sized enterprises but also an information gap with respect to lending activity to small and medium-sized enterprises by financial intermediaries. Policy makers must bridge these gaps if they are to monitor the impact of their policies.
- In the area of microcredit, Kiva Microfunds allows people to lend money via the Internet to low-income/underserved entrepreneurs and students in over 70 countries. Since 2005, Kiva has lent $600 million to more than 1,2 million beneficiaries.
- In the area of credit-rating assessment, Harvard Entrepreneurial Finance Lab utilizes psychometric testing to measure risk and future entrepreneurial potential without requiring business plans, credit history or collateral. The initiative is now rolling out its methodology to banks in several developing countries.
- The World Business Angels Association, a not-for-profit organization, has more than 15 national business angels' networks and associations. The Association raises global awareness about the importance and practice of business angel investment, stimulates the exchange of best practice in angel investing and enhances the development of cross-border angel investing.
- The Finance Alliance for Sustainable Trade is a membership association of financial institutions and producers supported by the United States Agency for International Development dedicated to the sustainable production and trade of products. The Alliance has developed a "financial literacy toolbox" for developing country entrepreneurs.
- The Seed Capital Assistance Facility is a support mechanism for clean energy investments in Africa and Asia. It is implemented through the United Nations

[23] Enterprise Development and Investment Promotion programme, Subcontracting and Partnership Exchange Programme and Computer Model for Feasibility Analysis and Reporting programme.

Environment Programme (UNEP), the Asian Development Bank and the African Development Bank.

- ITC has developed an online course for entrepreneurs on how to prepare bankable business plans, trade finance and risk management.

## F. Promoting awareness and networking

56. Closely connected with entrepreneurship education is the need to raise awareness about entrepreneurial opportunities and the value entrepreneurship brings to society, at the same time addressing and removing the stigma around failure. Negative sociocultural perceptions about entrepreneurship can act as significant barriers to enterprise creation and undermine the benefits of entrepreneurship.

57. In many countries promotion of a spirit of entrepreneurship, entrepreneurial competencies and role models can play a strategic role in unleashing entrepreneurial talents. In many cases cultural bias considers self-employment a necessity for those who do not manage to find a job. Campaigns to promote entrepreneurship that celebrate local entrepreneurs — who can be role models — are very effective. Awards, fairs and business competitions for targeted groups, such as young people, women, vulnerable groups and migrants, can be equally useful. In the United Arab Emirates, for instance, the Abu Dhabi Council for Economic Development has since 2009 inspired and educated students to become successful entrepreneurs through an annual Entrepreneurship Awareness Campaign, featuring workshops, forums and a business ideas competition. The initiative, which attracted more than 2,000 participants in 2013, is organized in collaboration with universities and educational institutions.[24]

58. Other initiatives are:

- Startup Weekend, a global network that brings together entrepreneurs and aspiring entrepreneurs.
- The Skoll Awards for Social Entrepreneurship, given each year by the Skoll Foundation to a group of social entrepreneurs who have had a demonstrable impact on solving some of the world's most pressing problems.
- The Schwab Foundation for Social Entrepreneurship, which identifies a select community of social entrepreneurs and engages it in shaping global, regional and industry agendas in collaboration with other stakeholders in the World Economic Forum.
- The SEED (Supporting Entrepreneurs for Environment and Development) Awards, which spotlight new locally driven enterprises that have found creative ways to overcome challenges for their communities.

59. Developing long-term partnerships with financial and training organizations or working with business organizations increases the capacity of individual entrepreneurs. Dealing with government agencies, complying with regulations and securing government contracts are difficult for a small entrepreneur. These activities can be facilitated by alliances, associations and advocacy groups. However, these

[24] See www.akoun.ae/en/Home.aspx.

groups are often weak, and funding and capacity-building can improve their effectiveness.

## IV. Conclusions and recommendations

60. **Today's fast-changing world demands addressing the challenges of food security, urbanization, environmental and demographic variations, scientific and technological advances, cultural diversity, governance and sustainability in an integrated way. For entrepreneurship to be part of the solutions to these challenges, it should be seen not as an individual choice but as a societal transformation towards building a new generation of entrepreneurs who have a vision for sustainable development.**

61. **The present report highlights recent efforts to develop entrepreneurship policies using a holistic and bottom-up approach, building on inputs from subnational regions, cities and all types of communities and involving institution-building and ensuring the participation of a broad spectrum of stakeholders in policymaking.**

62. **A number of countries have improved their regulatory environment, streamlining administrative processes by clarifying procedures, adopting e-regulations, providing support to enhance formalization and offering social protection and other incentives. In particular, the adaptation of existing regulations and the development of clear rules for social enterprises, cooperatives and networks of firms have facilitated their financing and expansion. Many countries have recognized the need to foster entrepreneurship through enterprise education, from primary-school level to retirement, based on creating explicit opportunities at all levels of education.**

63. **While advances in information technology have spread globally, there is still a need in developing countries to accelerate the implementation of communications and power infrastructure. Many countries are harnessing the potential of information and communications technologies to improve the productivity of existing businesses and to provide an enabling environment for start-ups. In addition, numerous programmes encourage technology transfer via international firms and technology exchange by means of local clusters and supply chains to support local firms, and facilitate local knowledge generation, innovation and technology adaptation. Programmes also seek to build bridges between institutions and the private sector. Guarantees and development banks have been the preferred instruments to address access to finance constraints for start-ups and small and medium-sized enterprises. More recent initiatives have introduced new channels of financial services to give small businesses the opportunity to raise money in small amounts directly from individual small investors.**

64. **Building on good practices, the following recommendations highlight what can be done at the global level with the support of the United Nations to encourage entrepreneurial activities in line with sustainable development principles and inclusivity.**

65. **A global forum on entrepreneurship for development should be convened to leverage existing national and regional policy networks to scale up and**

transfer their experiences and encourage the adoption of common impact indicators. The outcome of such a meeting could include the adoption of a "charter for entrepreneurial change", which could provide guidelines on how to incorporate entrepreneurship in the sustainable development process and propose measures for implementation. Global and regional partners could participate in organizing preparatory meetings and the forum itself. Partners could be encouraged to provide support to enable start-ups with limited resources to participate in the forum.

66. National centres of excellence in entrepreneurship should be established or strengthened. Taking stock of existing successful experiences, the United Nations could provide guidance on how to establish such centres, encouraging networking and the sharing of good practices among them, including on issues related to the internationalization of small and medium-sized enterprises.

67. National, regional and global networks of entrepreneurship and enterprise educators should be developed. Engaging trainers, local communities and social organizations to join networks at the subnational, national and global levels is crucial in order to share experiences and knowledge among entrepreneurial schools, colleges, universities and communities. If so requested, the United Nations could offer its expertise and work together with relevant stakeholders to develop online resources and curricula relevant for start-ups and small and medium-sized enterprises.

68. Work on financial inclusion should be expanded. Dedicated efforts should be enhanced to continue expanding the capacity, competency and willingness of financial institutions to serve small and growing businesses as well as cooperatives and social enterprises, including by encouraging a variety of alternative finance schemes such as community-based savings and complementary currencies.

69. Entrepreneurship opportunities for youth should be enhanced. In addition to ensuring financial inclusion and promoting networks for and among youth, support for a global mentoring scheme or declaring a "year of the young entrepreneur" to foster these initiatives among youth could be of great value. This effort could culminate in a global "collaborative design challenge" to elicit innovative solutions from youth teams around the world.

70. Women entrepreneurs should be empowered. Efforts should be strengthened to continue promoting the equality of women in all areas relevant to fostering entrepreneurship, including business regulations, financial inclusion, access to markets, and information and communications technologies and technology access. A network of goodwill ambassadors for women's entrepreneurships could be promoted to advance guidance on how to enable women to use their full entrepreneurial potential.

71. Diversity should be embraced. Inclusion of disadvantaged social groups such as minorities, migrants and persons with disabilities requires dedicated attention. Encouraging their integration into entrepreneurial networks and bringing together community-based and social organizations to support these efforts may offer significant value by leveraging an untapped human resource into productive sectors. The United Nations could offer guidance in this regard.

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**Report of the International Criminal Court**

# Report of the International Criminal Court

## Note by the Secretary-General

The annual report of the International Criminal Court on its activities in 2013/14 is submitted herewith to the General Assembly in accordance with article 6 of the Relationship Agreement between the United Nations and the International Criminal Court and paragraph 26 of General Assembly resolution 67/295.

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# Report of the International Criminal Court on its activities in 2013/14

*Summary*

During the reporting period, the caseload of the International Criminal Court continued to increase. The Court is currently dealing with 21 cases in 8 situations at different stages of proceedings. The Office of the Prosecutor is conducting investigations and judicial proceedings in 8 situations (Central African Republic, Côte d'Ivoire, Darfur (Sudan), Democratic Republic of the Congo, Kenya, Libya, Mali and Uganda), and is also continuing to proactively gather information and conduct preliminary examination activities in 10 situations (Afghanistan, Central African Republic, Colombia, Comoros ("Gaza Freedom Flotilla" incident), Georgia, Guinea, Honduras, Iraq, Nigeria and Ukraine).

In the context of its active situations, the Court has thus far issued 30 warrants of arrest against individuals, with nine suspects or accused persons currently in custody. In addition, nine summonses to appear have been issued since 2002. Of the cases before the Court, three trial verdicts have been delivered and appeals are pending in two of them. One verdict became final in June 2014. Six cases (concerning seven persons) are at the trial preparation or trial stage, and in two cases, confirmation of charges proceedings are expected to come to a close in 2014.

Arrest warrants issued by the Court remain outstanding against 12 individuals:

(a) Uganda: Joseph Kony, Vincent Otti, Okut Odhiambo and Dominic Ongwen, since 2005;

(b) Democratic Republic of the Congo: Sylvestre Mudacumura, since 2012;

(c) Darfur: Ahmad Harun and Ali Kushayb, since 2007; Omar Hassan Ahmad Al Bashir, two warrants, since 2009 and 2010; and Abdel Raheem Muhammad Hussein, since 2012;

(d) Libya: Saif Al-Islam Gaddafi since 2011;

(e) Côte d'Ivoire: Simone Gbagbo, since 2012;

(f) Kenya: Walter Osapiri Barasa, since 2013.

During the reporting period the Court received 3,106 applications from victims for participation and 2,524 for reparations. There are 19 defence teams working before the Court, 14 of which are funded by the legal aid scheme, and a further 24 teams of legal representatives of victims, of which 16 are funded by the legal aid scheme.

Eight States ratified amendments on the crime of aggression and nine States ratified amendments on certain crimes in non-international armed conflicts, bringing the total number of States to have accepted these amendments to 15 and 18, respectively. A total of 72 countries have also ratified the Agreement on the Privileges and Immunities of the Court, with no new ratifications or accessions during the reporting period.

The present reporting period marks the first, since the Court started reporting on its activities to the General Assembly in August 2005, in which no new State has ratified the Rome Statute. However, during the period, Ukraine, a non-State party, accepted the jurisdiction of the Court through a declaration lodged with the International Criminal Court Registrar, pursuant to article 12(3) of the Statute.

It is the Court's considered view that the General Assembly would benefit from additional information on the broader context of international criminal justice set up by the Rome Statute system, and in particular on the importance of complementarity as a crucial tool to enhance synergies and achieve the common goals of justice, accountability, peace and justice.

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# I. Introduction

1. The present report, covering the period from 1 August 2013 to 31 July 2014, is being submitted to the General Assembly in accordance with article 6 of the Relationship Agreement between the United Nations and the International Criminal Court.[1]

# II. Update on judicial and prosecutorial activities

## A. Preliminary examinations

2. During the reporting period, the Office of the Prosecutor opened preliminary examinations in the Central African Republic, Iraq and Ukraine; continued preliminary examinations in Afghanistan, Colombia, Georgia, Guinea, Honduras, Nigeria and the "Gaza Freedom Flotilla" incident; and concluded its preliminary examination in the Republic of Korea. The Office published a report on its preliminary examination activities on 25 November 2013.

3. The Office of the Prosecutor continued to analyse information received from various sources alleging the commission of crimes potentially falling within the Court's jurisdiction. From 1 August 2013 to 30 June 2014, the Office received 495 communications relating to article 15 of the Rome Statute, of which 408 were manifestly outside the Court's jurisdiction; 30 were unrelated to current situations and warranted further analysis; 37 were linked to a situation already under analysis; and 20 were linked to an investigation or prosecution.

### 1. Afghanistan

4. The Office of the Prosecutor continued to gather and verify information on alleged crimes committed in the situation in Afghanistan, and to refine its legal analysis. The Office further engaged with relevant States and cooperation partners with a view to discussing and assessing alleged crimes and gathering more information. The Office also held a number of meetings with representatives of Afghan civil society and international non-governmental organizations in order to discuss possible solutions to challenges raised by the situation in Afghanistan such as security concerns, limited or reluctant cooperation and verification of information. The Office of Prosecutor conducted a mission to Afghanistan from 15 to 19 November 2013 to participate in an international seminar organized by non-governmental organizations on peace, reconciliation and transitional justice.

5. The Office found that there was a reasonable basis to believe that crimes within the jurisdiction of the Court, namely crimes against humanity and war crimes, had been committed in the situation in Afghanistan since 1 May 2003. On that basis, the Prosecutor decided that the preliminary examination should be expanded to include admissibility issues. In this respect, the Office is examining the existence and genuineness of relevant national proceedings, taking into consideration its policy of focusing on those most responsible for the most serious crimes.

[1] United Nations, *Treaty Series*, vol. 2283, No. 1272.

### 2. Colombia

6. During the reporting period, the Colombian authorities took steps to prioritize investigations and prosecutions of those most responsible for International Criminal Court crimes, under both the Justice and Peace Law and ordinary systems. Under the Justice and Peace Law, charges against such persons were broadened to include conduct amounting to sexual violence and forced displacement within the Court's jurisdiction, while investigations initiated by the Attorney General's Office against other alleged perpetrators appear to have been expanded to include such conduct.

7. The Office of the Prosecutor continued to analyse the relevance and genuineness of a large number of national proceedings in order to reach determinations on admissibility. It also continued to analyse the implementation of the Legal Framework for Peace and the Military Justice Reform in order to assess their impact on the conduct of national proceedings relating to crimes under the Court's jurisdiction. The Office continued to consult closely with the Colombian authorities, with a view to ensuring that genuine national proceedings are carried out against those most responsible for the most serious crimes. To further those objectives, the Office conducted a mission to Colombia from 11 to 16 November 2013, during which it met with the national authorities, international organizations and civil society, and participated in a conference entitled "Strengthening the Attorney General's Office on Transitional Justice".

### 3. Georgia

8. The Office of the Prosecutor continued to actively engage with relevant stakeholders and requested updated information on national proceedings in order to conduct a comprehensive and accurate assessment of the admissibility of potential cases identified at this stage of the analysis. The Office conducted a mission to Moscow from 22 to 24 January 2014 and a mission to Tbilisi from 29 April to 1 May 2014, in order to gather updated information on concrete investigative steps taken by the Russian Federation and Georgia, respectively.

### 4. Guinea

9. In accordance with its policy to encourage genuine national proceedings, the Office of the Prosecutor continued to actively follow up on the national proceedings for the 28 September 2009 events and to mobilize relevant stakeholders, including States parties and international organizations, to support the efforts of the Guinean authorities to ensure that justice is served. The Office conducted a mission to Conakry from 18 to 20 February 2014 and met in London with the panel of judges investigating the 28 September events on 11 June 2014, in order to obtain updated information on the status of the national proceedings.

### 5. Honduras

10. In relation to the events surrounding the June 2009 coup d'etat and the measures taken in its aftermath, the Office of the Prosecutor concluded that there was no reasonable basis to believe that the conduct attributable to the de facto regime authorities during that discrete time period constituted crimes against humanity. However, the Office continued its preliminary examination of the situation in the light of more recent allegations regarding conduct following the presidential election of 2010, to determine whether there was a reasonable basis to

believe that crimes against humanity had been or were being committed. The Office conducted a mission to Tegucigalpa from 23 to 28 March 2014 in order to verify the seriousness of the information received regarding these alleged crimes.

### 6. Registered vessels of the Comoros, Greece and Cambodia

11. The Office of the Prosecutor analysed the supporting documentation accompanying the referral from the Comoros, as well as the reports published by each of the four commissions that had previously examined the events of 31 May 2010 relating to the "Gaza Freedom Flotilla". The analysis revealed a number of significant discrepancies in the factual and legal characterization of the incidents which the Office sought to resolve by seeking additional information from relevant reliable sources. On the basis of all the information available, the Office expects to reach a determination in the near future as to whether the article 53 criteria for initiation of an investigation have been met.

### 7. Nigeria

12. On 5 August 2013, the Office of the Prosecutor published its article 5 report on the situation in Nigeria, presenting its findings with respect to issues of jurisdiction based on information gathered by the Office as at December 2012. Following the publication of the report, the Office continued to analyse whether the contextual elements for war crimes had been met. In its 2013 report on preliminary examination activities, the Office published its determination that, based on the level of intensity and organization of the parties, the elements for the existence of a non-international armed conflict had been met since at least May 2013. Therefore, allegations of crimes occurring in the context of the armed violence between Boko Haram and the Nigerian security forces are being examined within the scope of article 8(2)(c) and (e) of the Statute.

13. The Office of the Prosecutor received and analysed information submitted by the Nigerian authorities relevant to the admissibility assessment of alleged crimes committed by Boko Haram. It identified information gaps and requested additional information to substantiate its assessment as to whether the national authorities were conducting genuine proceedings in relation to those most responsible for such crimes, and the gravity of such crimes. A determination on admissibility remains pending. The Prosecutor conducted a mission to Abuja from 23 to 25 February 2014 to participate in an international seminar on the application of international humanitarian law in internal security operations. On 8 May 2014, the Prosecutor issued a statement expressing concern about the alleged abduction of more than 200 schoolgirls in Borno State.[2]

### 8. Central African Republic

14. On 7 February 2014, the Prosecutor announced her decision to open a new preliminary examination of the situation in the Central African Republic since September 2012. The Office of the Prosecutor concluded that the alleged crimes since September 2012 did not fall within the scope of the December 2004 referral

[2] Statement of the Prosecutor of the International Criminal Court, Fatou Bensouda, dated 8 May 2014, on the abduction of schoolgirls in Nigeria. Available from www.icccpi.int/en_menus/icc/structure%20of%20the%20court/office%20of%20the%20prosecutor/reports%20and%20statements/statement/Pages/otp-statement-08-05-2014.aspx.

from the Central African Republic authorities; it therefore constituted a new situation for which the Office would conduct a preliminary examination. Subsequently, on 12 June 2014, the Central African Republic authorities submitted a referral to the Prosecutor of the situation in that country since 1 August 2012, in accordance with article 14 of the Statute. The Office conducted a mission to Bangui from 6 to 13 May 2014. The Office is analysing whether the article 53 criteria for initiation of an investigation have been met on the basis of all information available and expects to reach a determination in the near future.

### 9. Iraq

15. On 13 May 2014, the Prosecutor announced her decision to reopen the preliminary examination of the situation in Iraq, which had been concluded in 2006, following the submission in January 2014 of further information in accordance with article 15 of the Statute. Although Iraq is a not a State party to the Rome Statute, the International Criminal Court has jurisdiction over alleged crimes committed in the territory of Iraq by nationals of States parties. On the basis of the new information received, the reopened preliminary examination will analyse, in particular, alleged crimes attributed to the armed forces of the United Kingdom of Great Britain and Northern Ireland deployed in Iraq between 2003 and 2008. The Office of the Prosecutor conducted a mission to the United Kingdom on 26 and 27 June 2014.

### 10. Ukraine

16. On 17 April 2014, the Government of Ukraine lodged a declaration under article 12(3) of the Rome Statute accepting the jurisdiction of the International Criminal Court over alleged crimes committed on its territory from 21 November 2013 to 22 February 2014. The Prosecutor opened a preliminary examination of the situation in Ukraine in order to establish whether the Rome Statute criteria for opening an investigation had been met. During the reporting period, the preliminary examination focused on gathering available information and seeking additional information from reliable sources in order to conduct an analysis of whether the situation falls within the Court's subject-matter jurisdiction.

### 11. Republic of Korea

17. On 23 June 2014, the Prosecutor announced the conclusion of the preliminary examination of the situation in the Republic of Korea. Following a thorough factual and legal analysis of the information available, the Prosecutor determined that the Rome Statute requirements to seek authorization to initiate an investigation had not been satisfied. The Office of the Prosecutor concluded that the alleged attack on the warship *Cheonan* had been directed at a lawful military target and would not otherwise meet the definition of the war crime of perfidy as defined in the Statute. With regard to the shelling of Yeonpyeong Island, the Office concluded that, although, regrettably, the shelling had resulted in civilian casualties, the information available did not provide a reasonable basis for believing that the attack had been intentionally directed against civilian objects or that the civilian impact had been expected to be clearly excessive in relation to the anticipated military advantage. A detailed report was published presenting the Office's findings with respect to these jurisdictional matters. Should any future acts be committed on the Korean peninsula that appear to fall under the Court's jurisdiction, the Prosecutor remains prepared to

initiate a preliminary examination into such acts, and to investigate and prosecute the perpetrators as appropriate.

## B. Investigations and judicial proceedings

### 1. Situation in the Democratic Republic of the Congo

*Investigations*

18. The Office of the Prosecutor conducted one mission to collect information necessary in support of trials and to address the arguments raised by the defence in the case against Germain Katanga. In addition, the Office has made efforts to explain the discontinuance of its appeal and that of the defence, resulting in the first final conviction of the Court (i.e., that has not been appealed).

19. The Office also continued its investigation into the situation and conducted 83 missions to 8 countries for the purpose of, inter alia, collecting evidence, screening and interviewing witnesses and securing the continued cooperation of its partners, in relation to its continued investigation in the case against Bosco Ntaganda.

20. Furthermore, the Office conducted eight missions to four countries for its investigations related to crimes committed by the Forces Démocratiques pour la Liberation du Rwanda in the Kivu provinces, in particular in relation to its case against Sylvestre Mudacumura.

21. The investigation into alleged crimes committed in the Democratic Republic of the Congo, in particular the Kivu provinces, continues.

*The Prosecutor v. Thomas Lubanga Dyilo*

22. During the reporting period, the Appeals Chamber rendered numerous interlocutory decisions in the appeal against the conviction and sentencing of Thomas Lubanga Dyilo, including granting participatory status to an additional 32 victims and rejecting a request by Child Soldiers International to submit observations on the issues on appeal. On 14 January 2014, the Appeals Chamber granted Mr. Lubanga Dyilo's request to add an additional ground of appeal. On 19 and 20 May 2014, the Appeals Chamber held a hearing at which two defence witnesses testified in support of Mr. Lubanga Dyilo's application to present additional evidence in his appeals against conviction and sentence. The matter is pending before the Appeals Chamber.

*The Prosecutor v. Germain Katanga*

23. On 7 March 2014, Trial Chamber II found Germain Katanga guilty of five counts, including war crimes and a crime against humanity. He was acquitted of the charges of rape, sexual slavery and using children under the age of 15 years to participate actively in hostilities. On 23 May 2014, the Chamber sentenced Mr. Katanga to 12 years of imprisonment. On 25 June 2014, the defence and the Prosecutor withdrew their appeals against the judgement and indicated that they did not intend to appeal the decision on sentencing. The judgement issued by Trial Chamber II is thus final. On 16 April 2014, the Presidency issued a decision reconstituting Trial Chamber II for the remaining reparations proceeding and

replaced two judges who had completed their extended terms of office. On 22 July 2014, the Plenary of Judges rejected an application from the legal representative of victims in the case for the disqualification of Judge van den Wyngaert from the case.

*The Prosecutor v. Mathieu Ngudjolo Chui*

24. The Appeals Chamber issued several decisions related to the Prosecutor's appeal against the judgement of 18 December 2012 acquitting Mathieu Ngudjolo Chui of all charges. The Appeals Chamber also issued several orders and decisions relevant to three defence witnesses who had been held at the Court's Detention Centre from March 2011 until their transfer into Dutch custody on 4 June 2014.

*The Prosecutor v. Bosco Ntaganda*

25. On 2 December 2013, Pre-Trial Chamber II decided to appoint two common legal representatives of victims in the case, after taking into consideration the unprecedented number of victims who had applied to participate at the pre-trial stage and the conflicting interests between the different groups of victims. During the reporting period, the Pre-Trial Chamber admitted a total of 1,120 victims to participate in the case.

26. From 10 to 14 February 2014, the confirmation of charges hearing took place before the Pre-Trial Chamber. On 9 June 2014, the Pre-Trial Chamber confirmed 13 charges of war crimes and 5 charges of crimes against humanity against Mr. Ntaganda.

## 2. Situation in the Central African Republic

*Investigations*

27. On the basis of information collected in the course of the investigation by the Office of the Prosecutor in the Bemba Gombo case and ensuing applications by the Office, on 20 November 2013, Pre-Trial Chamber II issued five warrants of arrest against Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba (Mr. Bemba Gombo's counsel in the case at trial), Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu and Narcisse Arido for offences against the administration of the Court under article 70 of the Rome Statute, including presenting evidence to the Court that the party knows to be false or forged and corruptly influencing witnesses to provide false testimony.

28. The Office conducted a total of 19 missions to 8 countries for the purposes of, inter alia, interviewing witnesses and collecting other evidence, as well as securing the cooperation of partners.

*The Prosecutor v. Jean-Pierre Bemba Gombo*

29. During the reporting period, Trial Chamber III closed the presentation of evidence in the case, set deadlines for closing briefs and decided that the closing oral arguments would be heard as of 13 October 2014. The Trial Chamber also decided that it would issue separate decisions as to the guilt or innocence of the accused and, in the case of conviction, on the sentence to be imposed.

*The Prosecutor v. Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu and Narcisse Arido*

30. The five suspects made their first appearances before the Pre-Trial Chamber between November 2013 and March 2014. On 3 March 2014, Mr. Kilolo Musamba requested that the Appeals Chamber disqualify the Prosecutor, the Deputy Prosecutor and the entire staff of the Office of the Prosecutor from the ongoing investigations against him for the alleged offences. On 12 March 2014, Mr. Mangenda Kabongo requested that the Appeals Chamber apply its ruling equally to the proceedings in relation to him and, on 19 March 2014, Mr. Babala Wandu filed observations, also requesting that the Appeals Chamber grant Mr. Kilolo Musamba's request for disqualification. The matter is pending before the Appeals Chamber.

31. On 17 March 2014, Pre-Trial Chamber II rejected a request presented by the defence for Mr. Mangenda Kabongo for the Court not to exercise its jurisdiction in the case. On 28 May 2014, the Pre-Trial Chamber rejected a request presented by the defence for Mr. Kilolo Musamba for the judicial functions of the Chamber to be exercised by the full Chamber instead of a single judge. On 20 June 2014, the Plenary of Judges declined a defence request to disqualify Judge Cuno Tarfusser from handling the pre-trial phase of the case, finding that none of the arguments put forward by the defence substantiated any allegations of bias, or the appearance thereof. On 30 June 2014, the Office of the Prosecutor submitted its document containing the charges and list of evidence. On 11 July 2014, the Appeals Chamber, by majority, confirmed the Pre-Trial Chamber's decisions against interim release in relation to Mr. Mangenda Kabongo, Mr. Babala Wandu and Mr. Kilolo Musamba and dismissed the respective appeals. On 24 July 2014, Pre-Trial Chamber II rejected Mr. Arido's request for interim release. On 9 July 2014, Mr. Babala Wandu filed an appeal against the first review of his detention pursuant to article 60 (3) of the Statute. The matter is pending before the Appeals Chamber.

### 3. Situation in Uganda

*Investigations*

32. The Office of the Prosecutor conducted five missions to Uganda in order to meet with the Government of Uganda and other partners in relation to the Lord's Resistance Army; investigate allegations that International Criminal Court indictee, Okot Odhiambo, was killed between October and December 2013; and interview members of the Lord's Resistance Army who had defected and returned to Uganda.

33. The Office continued to gather and analyse information related to alleged crimes committed by the Uganda People's Defence Forces and continues to encourage national proceedings in relation to both parties to the conflict.

### 4. Situation in Darfur

*Investigations*

34. The Office of the Prosecutor conducted 20 missions in relation to investigations into the situation in Darfur.

35. In accordance with Security Council resolution 1593 (2005), the Prosecutor presented her eighteenth and nineteenth reports on the situation in Darfur to the

Council. In her briefings on 11 December 2013 and 23 June 2014, the Prosecutor, inter alia, highlighted the lack of cooperation by the Government of the Sudan and the lack of national proceedings against those responsible for the crimes committed. The Office of the Prosecutor highlighted its concern about the fact that, despite the adoption of 55 Security Council resolutions on the Sudan since 2004, hardly any of them had been implemented. The persistent refusal of the Government of the Sudan to implement the Council's resolutions directly curtailed the Council's efforts to curb or prevent crimes in Darfur, which was an issue of concern relevant to the mandates of both the Council and the Court.

36. The Office of the Prosecutor continues to monitor the situation and to gather information regarding it. The information collected indicates that crimes against humanity, war crimes and genocide continue to be committed. The Office expressed concern about allegations, supported by documentation from the former spokesperson of the African Union-United Nations Hybrid Operation in Darfur (UNAMID), of manipulation of UNAMID reporting and of intentional cover-up of crimes committed against civilians and peacekeepers, in particular by the Government of the Sudan forces. The Office called upon the Secretary-General to undertake a thorough, independent and public inquiry into those allegations based on the cases documented by the former spokesperson.

*The Prosecutor v. Omar Hassan Ahmad Al Bashir*

37. During the reporting period, Pre-Trial Chamber II issued decisions inviting the competent authorities of the following countries, on the respective dates, to cooperate with the Court in the arrest and surrender of Mr. Al Bashir in the event that he entered their territories: United States of America (18 September 2013); Ethiopia, Saudi Arabia and Kuwait (10 October and 18 November 2013); Ethiopia (30 January and 17 February 2014); Democratic Republic of the Congo (26 February 2014); Chad (3 March 2014); Kuwait (24 March 2014); Ethiopia (29 April 2014); and Qatar (7 July 2014).

38. On 5 September 2013, the Pre-Trial Chamber issued a decision on the cooperation of Nigeria regarding Mr. Al Bashir's arrest and surrender to the Court, whereby it decided not to refer the matter to the Assembly of States Parties and/or the Security Council. On 3 March 2014, the Pre-Trial Chamber issued a decision inviting the competent authorities of the Democratic Republic of the Congo to submit observations with regard to their alleged failure to execute the requests for the arrest and surrender of Mr. Al Bashir during his visit in the territory of the that country on 26 and 27 February 2014. After receiving the observations, the Pre-Trial Chamber issued a decision on 9 April 2014 finding that the Democratic Republic of the Congo had failed to cooperate with the Court by deliberately refusing to arrest and surrender Mr. Al Bashir, and referred its decision to the President of the Court for transmission to the Security Council and the Assembly of States Parties.

*The Prosecutor v. Abdallah Banda Abakaer Nourain and Saleh Mohammed Jerbo Jamus*

39. On 4 October 2013, Trial Chamber IV terminated the proceedings against Mr. Jerbo Jamus, after receiving information that pointed to his death, without prejudice to resuming the proceedings should information become available that he is alive.

40. On 16 April 2014, the Chamber vacated the 5 May 2014 trial commencement date in the light of logistical difficulties encountered by the Registry. On 14 July 2014, the Chamber decided that the trial would commence on 18 November 2014 and issued a cooperation request to the Government of the Sudan to take all the necessary steps to facilitate Abdallah Banda Abakaer Nourain's presence for his trial.

*The Prosecutor v. Abdel Raheem Muhammad Hussein*

41. In September 2013, Pre-Trial Chamber II requested observations from Chad and the Central African Republic concerning their alleged failure to arrest Mr. Hussein when he was in their territory. On 13 November 2013 the Pre-Trial Chamber decided not to refer the matter to the Assembly of States Parties and/or the Security Council.

## 5. Situation in Kenya

*Investigations*

42. The Office of the Prosecutor undertook 73 missions to 14 countries in relation to investigations into the situation in Kenya.

43. The Office continued to gather information on the crimes against humanity of murder, deportation or forcible transfer and persecution which were allegedly committed in Turbo town, the greater Eldoret area, Kapsabet town and Nandi Hills, from on or about 30 December 2007 until the end of January 2008.

44. Similarly, the Office continued to gather information on the crimes against humanity of murder, deportation or forcible transfer, rape, other inhumane acts and persecution, allegedly committed between 24 and 28 January 2008 against the civilian residents of Nakuru and Naivasha perceived as supporters of the Orange Democratic Movement, in particular those belonging to the Luo, Luhya and Kalenjin ethnic groups.

45. The Office continues to investigate other alleged instances of offences against the administration of justice under article 70 of the Rome Statute in the trial against William Samoei Ruto and Joshua Arap Sang.

*The Prosecutor v. William Samoei Ruto and Joshua Arap Sang*

46. On 10 September 2013, the trial commenced with the opening statements of the parties and participants. On 13 December 2013, the Appeals Chamber rejected as inadmissible the Prosecutor's appeal against the decision of Pre-Trial Chamber II rejecting her request to amend the updated document containing the charges, finding that, once the trial had commenced, it was no longer possible to amend or to add to the charges, regardless of when the Prosecutor filed her request to amend the charges.

47. On 25 October 2013, the Appeals Chamber reversed the previous decision of Trial Chamber V (a) to grant Mr. Ruto conditional excusal from continuous presence at trial. The Appeals Chamber found that, while article 63 (1) of the Rome Statute did not operate as an absolute bar in all circumstances to the continuation of trial proceedings in the absence of the accused, Mr. Ruto's absence could only be in

exceptional circumstances and must not become the rule. However, on 15 January 2014, following the introduction of the new rule 134 quater to the Court's rules of procedure and evidence, adopted in November 2013 by the Assembly of States Parties, Trial Chamber V (a) decided in an oral ruling to conditionally excuse Mr. Ruto from presence at trial.

48. On 17 April 2014, Trial Chamber V (a) granted the Prosecution's application for summonses for eight witnesses (a ninth was served with a summons in June) required to appear before the Chamber, either via videolink or at a location in Kenya. Mr. Ruto and Mr. Sang have appealed the decision. The appeal, on which the Government of Kenya has been granted to file observations, is pending before the Appeals Chamber.

*The Prosecutor v. Uhuru Muigai Kenyatta*

49. On 31 October 2013, Trial Chamber V (b) vacated the trial commencement date of 12 November 2013 and provisionally set a new trial commencement date of 5 February 2014. On 19 December 2013, the Prosecution stated that it did not, at that time, have sufficient evidence to meet the standard required for a conviction at trial and sought a further adjournment of the trial date. On 31 March 2014, the Trial Chamber adjourned the provisional trial commencement date to 7 October 2014. On 29 July 2014, the Trial Chamber ordered the Government of Kenya to provide the Prosecution with financial and communication records relating to Mr. Kenyatta from 2007 to 2010.

*The Prosecutor v. Walter Osapiri Barasa*

50. On 2 August 2013, at the request of the Prosecutor, Pre-Trial Chamber II issued a warrant of arrest against Walter Osapiri Barasa for offences against the administration of justice under article 70 of the Statute for corruptly influencing or attempting to corruptly influence three International Criminal Court witnesses. Surrender proceedings are ongoing in Kenya.

### 6. Situation in Libya

*Investigations*

51. The Office of the Prosecutor conducted seven missions to four countries in relation to investigations into the situation in Libya.

52. The Prosecutor also presented her sixth and seventh reports to the Security Council on the situation in Libya, on 14 November 2013 and on 13 May 2014, respectively. The Office, inter alia, noted the conclusion of a burden-sharing memorandum of understanding on 29 January 2014, the purpose of which is to facilitate the collaborative efforts to ensure that individuals allegedly responsible for committing crimes in Libya as at 15 February 2011 are brought to justice either at the Court or in Libya itself.

53. The Office also indicated its awareness of and concerns regarding reports of alleged attacks carried out against the civilian population and civilian objects in Tripoli and Benghazi, and called for an immediate end thereto. It continued to monitor the situation on the ground and its investigative activities pursuant to Security Council resolution 1970 (2011).

*The Prosecutor v. Saif Al-Islam Gaddafi and Abdullah Al-Senussi*

*Saif Al-Islam Gaddafi*

54. On 21 May 2014, the Appeals Chamber confirmed the 31 May 2013 decision of Pre-Trial Chamber I to reject the challenge by Libya to the admissibility of the case, finding that the Pre-Trial Chamber did not err in either fact or law when it concluded that Libya had fallen short of substantiating, by means of evidence of a sufficient degree of specificity and probative value, that the investigation by Libya covered the same case that was before the Court. On 11 July 2014, the Pre-Trial Chamber issued a decision which reminded Libya of its duty to proceed immediately with the surrender of Mr. Gaddafi to the Court.

*Abdullah Al-Senussi*

55. On 24 July 2014, the Appeals Chamber confirmed the 11 October 2013 decision of Pre-Trial Chamber I, in which the case against Mr. Al-Senussi was declared inadmissible before the International Criminal Court as it was subject to ongoing domestic proceedings conducted by the competent Libyan authorities, and Libya was genuinely willing and able to carry out such proceedings.

## 7. Situation in Côte d'Ivoire

*Investigations*

56. The Office of the Prosecutor continued its investigation into the situation and conducted 43 missions to 5 countries for the purpose of, inter alia, collecting evidence, screening and interviewing witnesses, and securing the continued cooperation of its partners.

57. The Office has focused on allegations of crimes against humanity in violation of articles 7 (1) (a), 7 (1) (g), 7 (1) (h) and 7 (1) (k) of the Rome Statute that were committed in Côte d'Ivoire in the context of the post-election violence of 2010-2011 and continues its investigation in relation to alleged crimes committed in that country, covering both sides of the conflict, irrespective of political affiliation.

*The Prosecutor v. Laurent Gbagbo*

58. On 12 June 2014, Pre-Trial Chamber I confirmed four charges of crimes against humanity against Mr. Gbagbo and committed him for trial before a Trial Chamber. On 11 November 2013, 12 March and 11 July 2014, the Pre-Trial Chamber issued decisions on the review of Mr. Gbagbo's detention, pursuant to article 60 (3) of the Statute and, in each instance, decided that he should remain in detention. In its decisions, the Chamber also ordered the Registry and the Defence to submit reports on the progress of efforts to address the issue of Mr. Gbagbo's health, with a view to exploring the different options for conditional release.

*The Prosecutor v. Simone Gbagbo*

59. On 30 September 2013, Côte d'Ivoire lodged an admissibility challenge and requested the postponement of the request for the arrest and surrender of Ms. Gbagbo. The matter is pending before the Pre-Trial Chamber. On 28 February 2014, the Pre-Trial Chamber authorized Ms. Gbagbo's co-counsel, at his request, to withdraw from the case.

*The Prosecutor v. Charles Blé Goudé*

60. On 30 September 2013, Pre-Trial Chamber I decided to unseal the warrant of arrest which was issued under seal against Mr. Blé Goudé in December 2011. Mr. Blé Goudé was surrendered to the Court on 22 March 2014 and had his first appearance before the Pre-Trial Chamber on 27 March 2014. On 11 July 2014, at the request of the Prosecutor, the Pre-Trial Chamber decided to postpone the start of the confirmation of charges hearing to 22 September 2014.

**8. Situation in Mali**

*Investigations*

61. The Office of the Prosecutor has conducted 24 missions to 4 countries for the purpose of, inter alia, collecting evidence, screening and interviewing witnesses and securing the continued cooperation of its partners.

62. The Office continues to collect information and evidence about alleged crimes committed in the entire territory of Mali. However, based on the results of the preliminary examination, initial geographical emphasis has been given to the three northern regions.

63. Pursuant to article 8 (2) (e) (iv) of the Rome Statute, the Office of the Prosecutor is, inter alia, giving particular attention to allegations concerning the intentional directing of attacks against buildings dedicated to religion and historic monuments, including those that have received World Heritage status, and has accordingly cooperated with the United Nations Educational, Scientific and Cultural Organization. The Office has also sought cooperation from a number of other United Nations agencies present in Mali, including from the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA).

# III. International cooperation

## A. The Rome Statute system of international criminal justice: the importance of complementarity

64. The Rome Statute was never intended to replace national courts. Given the States' primary responsibility for the investigation and prosecution of crimes, it becomes incumbent on the international community to foster conditions necessary to enable genuine national proceedings in States affected by mass criminality.

65. The Court has been using various international forums to disseminate messages and forge close ties among key actors of the Rome Statute system. The aim has been to mainstream Rome Statute issues into conflict management, democratization, judicial and legal reform and development programmes, to catalyse discussions among the relevant actors and to assist in their efforts of reinforcing the ability of national authorities to prosecute Rome Statute crimes. Such actors may in fact benefit from the knowledge and expertise that the Court has when devising country-specific measures aimed at strengthening the rule of law.

66. While the role of the Court in fostering complementarity is limited, as it is not a development agency, the Court endeavours to encourage cooperation and assistance with a view to strengthening national proceedings where it can. The

President plays an important role in raising awareness and forging long-term relations among various actors involved in the areas of justice, development and rule of law, with a particular focus on the role of the United Nations. For the Office of the Prosecutor, complementarity has been a key principle underlying prosecutorial strategy from the first years of its operation. It includes the full range of activities conducted during the preliminary examination stage, notably the publicity of activities under article 15 to allow States to factor in the duty to conduct national proceedings and mobilization of external resource networks to support such activities, as well as cooperation with national jurisdictions conducting investigations on serious crimes, including by responding positively as far as possible, with requests received under article 93 (10) of the Rome Statute. In addition, the Registry contributes, as it has expertise in organizing fair trials for serious international crimes, in partnering and/or providing advice and transfer of knowledge in the areas of court management and services, including legal representation and witness protection.

67. States can thus benefit from increased synergies and coordinated efforts among State authorities, international and regional organizations, civil society and the Court. In addition, the strengthening of local capacity, for example, facilitates the execution of the requests for cooperation sent by the Court. In the long term, it also contributes to ensuring the sustainability of the Court's impact in the situation countries where it conducted investigations, as rule of law projects can build or reinforce the necessary national tools to investigate and prosecute crimes that would fall within the jurisdiction of the Court.

## B. Cooperation with the United Nations

68. The New York Liaison Office continued to promote cooperation between the International Criminal Court and the United Nations, represent the Court in various meetings, follow developments of relevance for the Court and assist in organizing relevant events and visits of senior Court officials.

### Relevant meetings and support

69. The Court is thankful for the meetings with senior United Nations officials in New York, as well as with permanent representatives to the United Nations, to discuss the relationship between the Court and the Organization and matters of cooperation. The President addressed the General Assembly on 31 October 2013 and the Prosecutor briefed the Security Council on four occasions regarding the situations in Darfur and Libya. In addition, the Court's principals received visits at the seat of the Court from the Special Adviser on the Prevention of Genocide, the Special Adviser on the Responsibility to Protect and the Special Representative for the Democratic Republic of the Congo.

70. The Court continued to engage with State representatives in New York in the context of ongoing discussions to increase and strengthen the relationship between the Court and the Security Council, including through informal meetings between the Prosecutor and Council members. The Court welcomes an increasing dialogue with the Council's sanctions committees and is thankful for the assistance provided to lift the travel ban against Charles Blé Goudé.

71. Following the adoption of the revised United Nations guidelines on non-essential contacts with persons subject to an arrest warrant issued by the International Criminal Court on 8 April 2013, the Court expressed its appreciation for the report of the Secretary-General on information relevant to the implementation of article 3 of the Relationship Agreement between the United Nations and the International Criminal Court (A/68/364), which emphasized that the United Nations had developed a practice of informing the Prosecutor and the President of the Assembly of States Parties beforehand of any meetings with persons who were the subject of arrest warrants issued by the Court that were considered necessary for the performance of United Nations-mandated tasks.

**Technical assistance**

72. The annual round table between the United Nations and the Court was held via videolink on 17 and 19 December 2013. The two institutions seized the opportunity to update each other on respective developments, at both the judicial and operational levels, as well as on the challenges they face. Discussions also focused on information-sharing, cooperation needs and challenges, including regarding the defence teams, as well as complementarity developments and the contribution of the work of the Office of the Prosecutor on preliminary examinations in that regard.

73. During the reporting period, the Court benefited from logistical assistance provided in situation countries by United Nations offices and missions, such as the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, the United Nations Office at Nairobi, the United Nations Operation in Côte d'Ivoire and the United Nations Integrated Peacebuilding Office in the Central African Republic. Assistance from these entities included the use of 952 United Nations flights.

74. Several staff loan arrangements (26 cases of staff members on loan to the International Criminal Court and 5 cases of International Criminal Court staff members on loan to other organizations) were facilitated or were ongoing between the Court and other tribunals and organizations. The Court also covers the salary of the focal point of the United Nations. The Office of Legal Affairs continues to be the Court's first interlocutor for the transmission of all requests for cooperation to the United Nations and the notification of decisions to the Security Council.

75. The Trust Fund for Victims also benefits from the support of the United Nations and continues to work closely with different United Nations agencies at the global and country levels, including capacity-building activities of agencies implementing Trust Fund projects, ensuring relevant linkage of the Trust Fund's assistance projects and domestic transitional justice and reparations initiatives, providing assistance to victims and fostering collaboration and partnership. During the reporting period the Trust Fund collaborated with the Department of Political Affairs and the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) of the Secretariat, the United Nations Development Programme, the United Nations Children's Fund, the United Nations Population Fund, the International Monetary Fund and the World Bank.

**Agreements**

76. On 23 August 2013, the Office of the Prosecutor signed a memorandum of understanding with the United Nations Institute for Training and Research to foster collaboration and develop projects and activities and other forms of cooperation, with a focus on the activities carried out by the Operational Satellite Applications Programme.

77. On 24 June 2014, the Office signed a second memorandum of understanding with the Integrity Vice Presidency of the World Bank Group, in order to reaffirm their commitment to collaborate with one another on matters of mutual interest. The new memorandum enhances exchange of information and cooperation between the two offices, and builds upon a 2009 agreement.

78. With a view to formalizing cooperation related to the Court's activities in Mali, a standard memorandum of understanding between MINUSMA and the Court is being finalized.

## C. Cooperation with and assistance from States, other international organizations and civil society

**Technical support from States**

79. The Court continues to request the assistance of States to fulfil its mandate. During the reporting period, the Registry transmitted 691 requests for visas and 223 requests for cooperation. The Office of the Prosecutor sent 358 requests for assistance to 56 different partners, including States parties, non-State parties, and international and regional organizations. Of those requests, 146 were notifications of missions of the Office and included bulk monthly notifications concerning multiple missions sent to situation countries in which the Office has a high volume of investigative activities.

80. On 27 May 2014, an exchange of letters was finalized with Libya with regard to arrangements for the entry and presence of International Criminal Court staff and counsel in the territory of Libya and ensuring the respect of the privileges and immunities necessary for them to be able to carry out their functions. The Registry hopes to finalize a similar memorandum of understanding with Mali in the near future.

81. During the reporting period, the Court increased its efforts to promote mutual understanding and cooperation between the Court and Governments, notably by co-organizing, together with Norway and the Netherlands, and with the financial support of the European Commission, two seminars on cooperation. The first one was held in Buenos Aires on 20 and 21 May 2014 and targeted South American States; the second was organized in Accra on 3 and 4 July 2014 and brought together senior representatives of Anglophone African States. A third seminar on cooperation is scheduled to be held towards the end of 2014 to target Francophone African States. As indicated in the Court's previous report, the Court also organized, together with Norway and the Netherlands, a second seminar on the protection of witnesses in Arusha on 29 and 30 October 2013, for English-speaking countries.

82. These seminars represent an important opportunity for Court representatives and States to understand the domestic and international mechanisms for judicial

cooperation, as well as to develop networks of contacts and highlight specific priority areas in the work of the Court, including arrests and witness protection.

83. The Registry concluded 2 new relocation agreements in Africa during the reporting period, bringing the total number of agreements to 14. The Registry also finalized an exchange of letters with Belgium on the provisional release of persons on 9 August 2014. Belgium became the first country to accept provisional receipt of detainees of the Court in its territory and under conditions established by the competent Chamber.

84. During the reporting period, the Court received contributions to its trust funds from eight States, two municipalities and two intergovernmental organizations. A total of 20 States contributed to the Trust Fund for Victims.

**Diplomatic support from States**

85. In order to increase understanding of the Court and increase support for its mandate and activities, the heads of organs of the Court held numerous high-level meetings with State representatives at the seat of the Court and paid official visits to numerous countries on various continents, where they met with a number of senior State figures.

86. Court officials and representatives enhanced their interaction with Latin American States in particular during the reporting period: the Prosecutor held high-level meetings with the President and other senior officials in Costa Rica, from 2 to 6 March 2014; the Registrar held meetings in Brasilia on 15 and 16 May 2014 and participated, together with a Court judge and a representative of the Office of the Prosecutor, in the seminar on cooperation for South American States held in Buenos Aires on 20 and 21 May 2014; a Court judge also participated in an expert session before El Salvador's Legislative Assembly on 23 June 2014 to provide expertise on the Rome Statute system in support of the Foreign Affairs Committee's current deliberations on International Criminal Court ratification and implementation bills; the President of the Court further addressed key issues on the ratification and implementation of the Rome Statute to El Salvador's Speaker of Parliament in a letter dated 10 July 2014; and the Office of the Prosecutor sent working-level missions to Brasilia from 24 to 27 March 2014 to discuss judicial and general cooperation matters.

87. In addition, the Presidency met with a number of senior State figures, including the Presidents of Nigeria, Trinidad and Tobago and Croatia. The Prosecutor made several visits to African countries, such as the Democratic Republic of the Congo, Mali, Nigeria, Senegal and the United Republic of Tanzania, as well as to a number of European countries, including Belgium, France, Germany, Ireland, Romania, Slovenia, Sweden, Switzerland and the United Kingdom, where she met with various senior Government officials. Those visits paved the way to strengthening the relationship between the Court and the respective States parties in areas of cooperation and assistance. The Prosecutor also visited non-State parties to the Rome Statute, such as the United States of America and Morocco. The Registrar held meetings in Kampala and Bunia, Democratic Republic of the Congo, in March 2014, in order to continue strengthening cooperation in situation countries.

88. The Office of the Prosecutor also organized a diplomatic meeting at the seat of the Court in order to update the diplomatic community in The Hague and in Brussels on its work, as well as to introduce its new strategic plan for 2012-2015.

**Relationship with regional organizations**

89. The third African Union-International Criminal Court joint seminar was held on 7 and 8 July 2014 at the African Union premises in Addis Ababa, with the aim of establishing greater cooperation and mutual understanding between the two institutions. Participants included representatives of the African Union Commission, the permanent missions of the African Union member States, and Court officials. The event was held with the support of the Organisation internationale de la Francophonie. A fourth joint seminar is being planned for 2015.

90. During the reporting period, the Court and the European Union organized for the first time a joint round table meeting at the seat of the Court on 11 July 2014. The round table brought together representatives of the Court and of the European External Action Service and the European Commission. The discussions focused on topics of mutual interest to both institutions, including cooperation, complementarity, diplomatic support and mainstreaming, as well as public information and outreach. The Prosecutor met with the High Representative of the Union for Foreign Affairs and Security Policy and the Vice-President of the European Commission, as well as senior officials of the European External Action Service in October 2013. In June 2014, the Prosecutor and the Registrar briefed the European Union Council Working Group on Public International Law and the Court and the Prosecutor briefed the Africa Working Party.

91. The Office of the Prosecutor has ensured continued interaction at the working level with the Office of the Secretary-General of the League of Arab States.

92. The Court has continued to interact on a regular basis with the Organization of American States (OAS); in support of the OAS expressed aim of bolstering cooperation with the Court, the President engaged closely with the organization leading up to his meeting with the OAS Inter-American Juridical Committee in Rio de Janeiro in August 2014. In addition, the Court facilitated the participation of a representative of the Inter-American Court of Human Rights in the seminar on cooperation organized in Buenos Aires.

**Relationship with civil society**

93. Three strategic-level meetings were held between the Court and non-governmental organizations in The Hague during the reporting period, in addition to regular contacts between the Court and representatives of civil society, who continued to provide essential support to the Court.

# IV. Institutional developments

## A. Elections and appointments

94. At the twelfth session of the Assembly of States Parties, Geoffrey A. Henderson (Trinidad and Tobago) was elected to the Court on 23 November 2013,

filling a seat vacated by the resignation of Judge Anthony T. Carmona. He was sworn in on 12 December 2013.

95. On 4 June 2014, Senator Miriam Defensor-Santiago (Philippines) submitted her resignation for personal reasons. She had been elected as an International Criminal Court judge for a nine-year term of office by the Assembly of States Parties in December 2011, but was not sworn in and did not take up her functions at the Court.

96. Judge Hans-Peter Kaul (Germany), who was among the first 18 judges elected to the International Criminal Court in 2003, resigned from the Court for health reasons with effect from 1 July 2014. He passed away on 21 July 2014 after a period of serious illness.

### B. Amendments to the rules of procedure and evidence

97. At its twelfth session, the Assembly of States Parties adopted amendments to rule 68 (Prior recorded testimony) and rule 100 (Place of proceedings), and adopted the following new rules: rule 134 bis (Presence through the use of video technology), rule 134 ter (Excusal from presence at trial) and rule 134 quater (Excusal from presence at trial due to extraordinary public duties).

## V. Conclusion

98. As described in the present tenth report to the General Assembly, the activities of the International Criminal Court continue to grow, with the first ever final judgement rendered and 8,040 victims represented in six cases at the trial preparation or trial stage of proceedings, which is more than ever before. This is, however, the first time that no new State has ratified the Rome Statute during a reporting period. The Court continues to look to the support and cooperation of States and intergovernmental organizations, including the United Nations, in establishing accountability for international crimes of atrocity and bringing justice to victims and affected communities.